

# FEDERAL REGISTER

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## TITLE 12—BANKS AND BANKING

### Chapter I—Federal Deposit Insurance Corporation

#### PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NON-MEMBER BANKS

##### MISCELLANEOUS AMENDMENTS

Effective December 7, 1955, the amendment of § 329.0 of the rules and regulations of the Corporation which was published in the FEDERAL REGISTER of October 25, 1955 (20 F. R. 8019) under Notice of Proposed Rule Making, is adopted, after consideration of all relevant matter presented by interested persons on the proposed amendment, with further amendment by deleting the words "the United States of America and the District of Columbia" therein and substituting therefor the words "the States of the United States and the District of Columbia"

The amendment of paragraph (e) of § 329.1, providing for the renumbering thereof, as set forth below, is adopted effective December 7, 1955, and, as this change does not diminish the rights of insured banks, notice of it as a proposed rule is found to be unnecessary.

The amendments of the regulations, as adopted, are as follows:

1. Section 329.0 is amended by deleting the last sentence thereof and by substituting in lieu thereof the following sentence: "The provisions of this part do not apply to mutual savings banks, or to guaranty savings banks operating in the State of New Hampshire so long as said guaranty savings banks operate substantially under and pursuant to the laws of the State of New Hampshire pertaining to mutual savings banks and do not engage in commercial banking, or to any deposit in a bank located outside of, or payable only at a bank's office which is located outside of, the States of the United States and the District of Columbia."

2. Paragraph (e) of § 329.1 is amended to read as follows:

(e) *Savings deposits.* (1) The term "savings deposit" means a deposit evidenced by a pass book consisting of funds (i) deposited to the credit of one or more individuals or of a corporation, association, or other organization operated

primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit,<sup>4</sup> or (ii) in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization and in respect to which:

(a) The depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made; or the bank consistently continues to adhere to a practice existing prior to January 23, 1936, of requiring notice of at least fifteen (15) days before permitting withdrawal;

(b) Withdrawals are permitted in only two ways, either upon presentation of the pass book through payment to the person presenting the pass book, or without presentation of the pass book, through payment to the depositor himself but not to any other person, whether or not acting for the depositor.<sup>5</sup>

(2) The provisions of subparagraph (1) (i) and (ii) of this paragraph limiting savings deposits to funds of certain classes of persons, shall not be applicable to deposits received and credited on or before February 1, 1936, to accounts evidenced by pass books in insured non-member banks and these deposits, together with interest subsequently payable on such deposits, less any withdrawals from such accounts, may be classed by insured nonmember banks as savings deposits under the terms of this paragraph, even though such deposits belong to an association, organization, or corporation organized for profit. The said provisions of subparagraph (1) (i)

<sup>4</sup>Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition, but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association, or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as savings deposits.

<sup>5</sup>Presentation of a pass book may be made over the counter or through the mails; and payment may be made over the counter, through the mails or otherwise, subject to the limitations contained herein as to the person to whom such payment may be made.

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and (ii) of this paragraph, however, shall be applicable to deposits received subsequently to February 1, 1936, whether or not such deposits are credited to an account existing prior to February 1, 1936.

(3) The presentation by any officer, agent or employee of the bank of a pass book or a duplicate thereof retained by the bank or by any of its officers, agents or employees is not a presentation of the pass book within the meaning of this part except where the pass book is held by the bank as a part of an estate of which the bank is a trustee or other fiduciary, or where the pass book is held by the bank as security for a loan. If a pass book is retained by the bank, it may not be delivered to any person other than the depositor for the purpose of enabling such person to present the pass book in order to make a withdrawal, although the bank may deliver the pass book to a duly authorized agent of the depositor for transmittal to the depositor.

(4) Every withdrawal made upon presentation of a pass book shall be entered in the pass book at the time of the withdrawal, and every other withdrawal shall be entered in the pass book as soon as practicable after the withdrawal is made.

(5) The term "savings deposit" also means a deposit evidenced by a written receipt or agreement although not by a pass book, consisting of funds of the kind described above in this paragraph and in respect to which deposit the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made, and withdrawals are permitted only through payment to the depositor himself but not to any other person whether or not acting for the depositor.<sup>2a</sup>

(Sec. 9, 64 Stat. 881; 12 U. S. C. 1819)

FEDERAL DEPOSIT INSURANCE  
CORPORATION,  
[SEAL] E. F. DOWNEY,  
Secretary.

[F. R. Doc. 55-9776; Filed, Dec. 5, 1955;  
8:50 a. m.]

<sup>2a</sup> Payment may be made to the depositor over the counter, through the mails or otherwise.

## TITLE 7—AGRICULTURE

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

## PART 722—COTTON

## ACREAGE ALLOTMENTS FOR 1956 CROP OF UPLAND COTTON

**Basis and purpose.** The purpose of this amendment is to establish the county acreage allotments for the 1956 crop of upland cotton in the State of Texas pursuant to section 344 (e) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was given on August 31, 1955 (20 F. R. 6387) pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) and in the regulations issued pursuant to said notice it was provided in § 722.716 (e) that that paragraph would be amended at a later date to include the county acreage allotment established for each county. Furthermore, farmers engaged in the production of upland cotton in 1955 will determine in a referendum to be held on December 13, 1955, whether marketing quotas will be in effect on the 1956 crop of upland cotton. In order that county acreage allotments may be apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

The State Agricultural Stabilization and Conservation Committee for the State of Texas has established under section 344 (e) of the act and § 722.716 of the regulations a reserve of 10 percent of the State acreage allotment for 1956 of 7,410,893 acres, or 741,089 acres, and determined that said reserve should be used as follows:

	Percent	Acres
(a) To adjust computed county acreage allotments for trends in the acreage of cotton.....	0.000	0
(b) To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.....	.085	633
(c) To make adjustment in acreage allotments for small farms.....	34.418	255,063
(d) To establish 1956 acreage allotments for new cotton farms.....	2.639	19,928
(e) To correct inequities in farm allotments and to prevent hardship.....	62.808	465,465

The acreage available for adjusting county acreage allotments for counties

adversely affected by abnormal conditions affecting plantings has been allocated by the State committee to Ector County (27 acres), Loving County (19 acres) and Ward County (587 acres), and such acreage adjustments are included in the county acreage allotments hereinafter set forth for these counties. Initial allocations of the reserve to make adjustments in acreage allotments for small farms and to correct inequities in farm allotments and to prevent hardship have been made by the State committee to the counties as follows:

County	To make adjustments in acreage allotments for small farms	To correct inequities in farm allotments and to prevent hardship
Anderson.....	4,237	1,223
Andrews.....	10	367
Angelina.....	1,121	309
Aransas.....	7	49
Archer.....	163	125
Armstrong.....	33	324
Atascosa.....	1,310	755
Austin.....	2,062	1,032
Bailey.....	224	6,543
Bandera.....	0	0
Bastrop.....	1,283	1,277
Baylor.....	618	723
Bee.....	1,187	611
Bell.....	2,823	5,839
Bexar.....	650	62
Blanco.....	39	29
Borden.....	29	1,650
Bosque.....	1,715	1,417
Bowie.....	1,060	2,562
Brazoria.....	324	250
Brazos.....	261	1,190
Brewster.....	0	42
Briscoe.....	191	1,832
Brooks.....	323	262
Brown.....	196	417
Burkison.....	1,750	2,163
Burnet.....	416	120
Caldwell.....	827	1,553
Callahan.....	783	315
Callisno.....	1,083	324
Campan.....	10,313	3,157
Camp.....	752	324
Carson.....	16	157
Cass.....	2,497	1,363
Castro.....	291	5,647
Chambers.....	69	17
Cherokee.....	3,832	822
Childress.....	234	855
Clay.....	664	1,919
Cochran.....	53	3,221
Coke.....	27	423
Coleman.....	1,330	1,330
Collin.....	4,033	12,033
Collingsworth.....	833	1,703
Colorado.....	1,715	1,175
Comal.....	59	77
Comanche.....	2,066	475
Concho.....	183	2,199
Cooke.....	1,161	1,160
Correll.....	2,374	1,437
Cottle.....	62	1,377
Crane.....	0	0
Crockett.....	3	0
Crosby.....	62	9,525
Culberson.....	0	600
Dallam.....	7	7
Dallas.....	1,431	4,013
Dawson.....	128	5,870
Deaf Smith.....	423	816
Delta.....	1,121	4,065
Denton.....	2,111	3,220
De Witt.....	2,672	2,233
Dickens.....	125	1,424
Dimmit.....	35	362
Donley.....	499	755
Duval.....	1,235	1,324
Eastland.....	1,570	697
Ector.....	3	0
Edwards.....	0	0
Ellis.....	1,076	9,025
El Paso.....	2,453	2,453
Erath.....	2,220	734
Falls.....	3,031	7,015
Fannin.....	4,431	9,321
Fayette.....	5,834	2,821
Fisher.....	234	1,637
Floyd.....	325	6,629
Foard.....	1,237	1,639
Fort Bend.....	2,638	5,669
Franklin.....	633	612
Frost.....	3,027	2,663
Frio.....	493	493
Gaines.....	204	4,761
Galveston.....	26	0
Garza.....	49	1,635
Gillespie.....	320	135
Glasscock.....	13	621
Goliad.....	462	558
Gonzales.....	1,847	2,269
Gray.....	336	223
Grayson.....	3,024	5,224
Greeley.....	463	172
Grimes.....	1,794	1,515
Guadalupe.....	2,369	2,403
Hale.....	395	12,709
Hall.....	218	1,039
Hamilton.....	2,704	829
Hansford.....	3	115
Harden.....	463	1,036
Hardin.....	33	0
Harris.....	429	165
Harrison.....	3,024	1,033
Hartley.....	4	4
Haskell.....	425	1,819
Hays.....	297	297
Hempstead.....	163	70
Henderson.....	3,163	739
Hidalgo.....	13,162	7,120
Hill.....	2,770	13,157
Hockley.....	123	5,440
Hood.....	623	139
Hopkins.....	2,572	3,032
Houston.....	3,823	1,139
Howard.....	43	2,324
Hudspeth.....	49	1,431
Hunt.....	2,671	11,853
Hutchinson.....	0	0
Irion.....	15	35
Jack.....	224	174
Jackson.....	633	730
Jasper.....	329	45
Jeff Davis.....	7	59
Jefferson.....	23	16
Jim Hogg.....	112	80
Jim Wells.....	1,033	869
Johnson.....	1,847	1,064
Jones.....	1,121	1,220
Karnes.....	1,679	2,443
Kaufman.....	1,000	8,033
Kendall.....	15	0
Kendall.....	0	0
Kent.....	69	1,067
Kerr.....	7	15
Kimble.....	33	44
Kiowa.....	0	332
Klarn.....	0	0
Kleberg.....	534	220
Knox.....	442	2,437
Lamar.....	1,810	7,025
Lamb.....	294	4,200
Lampasas.....	472	259
La Salle.....	89	100
Lavaca.....	6,429	4,435
Lee.....	2,443	933
Leon.....	2,171	432
Liberty.....	145	135
Limestone.....	2,210	8,832
Lipscomb.....	0	0
Llano.....	0	0
Loving.....	0	0
Lubbock.....	131	131
Lynn.....	567	4,634
McCulloch.....	82	5,162
McCombs.....	660	660
McLennan.....	3,032	8,132
McMullen.....	35	57
Madison.....	1,919	703
Marion.....	877	243
Martin.....	59	1,631
Mason.....	234	418
Matagorda.....	1,033	893
Maverick.....	277	169
Medina.....	455	167
Mendall.....	122	128
Midland.....	66	1,739
Milam.....	1,715	5,077
Mills.....	429	249
Mitchell.....	119	2,737
Montague.....	673	511
Montgomery.....	628	39
Moore.....	0	22
Morris.....	627	251
Motley.....	143	610
Nacogdoches.....	1,632	761
Nacorro.....	2,463	9,233
Newton.....	416	23
Nolan.....	429	1,094
Nueces.....	1,121	1,235
Ochiltree.....	0	0
Oldham.....	7	1
Orange.....	0	7
Oran.....	432	183
Palo Pinto.....	2,320	1,035
Panola.....	715	140
Parker.....	594	7,244
Parmer.....	132	5,575
Pecos.....	773	120
Pell.....	7	1
Potter.....	173	256
Presidio.....	623	1,214
Rea.....	69	173
Randall.....	69	173

## RULES AND REGULATIONS

County	To make adjustments in acreage allotments for small farms	To correct inequities in farm allotments and to prevent hardship
Reagan	7	137
Real	0	17
Red River	1,016	3,944
Reeves	145	5,014
Refugio	277	205
Roberts	0	5
Robertson	904	2,742
Rockwall	420	2,616
Runnels	346	1,080
Rusk	3,496	1,786
Sabine	857	181
San Augustine	1,339	404
San Jacinto	989	133
San Patricio	673	865
San Saba	857	394
Schleicher	20	920
Scurry	208	4,700
Shackelford	198	165
Shelby	2,506	1,048
Sherman	0	0
Smith	2,803	893
Somervell	396	88
Starr	1,649	1,503
Stephens	188	119
Sterling	16	121
Stonewall	264	1,544
Sutton	3	0
Swisher	811	5,176
Tarrant	394	1,334
Taylor	1,187	1,180
Terrell	0	0
Terry	165	10,640
Throckmorton	402	480
Titus	897	533
Tom Green	402	1,474
Travis	653	3,575
Trinity	1,583	170
Tyler	211	19
Upshur	1,069	462
Upton	0	0
Uvalde	20	132
Val Verde	7	0
Van Zandt	3,496	1,890
Victoria	1,121	1,431
Walker	1,484	317
Waller	653	425
Ward	49	3,029
Washington	3,957	2,786
Webb	66	116
Wharton	2,342	4,049
Wheeler	709	1,096
Wichita	726	526
Wilbarger	759	3,644
Willacy	1,167	3,136
Williamson	2,111	11,596
Wilson	996	890
Winkler	0	1
Wise	726	424
Wood	1,418	470
Yoakum	20	2,743
Young	890	647
Zapata	122	324
Zavala	132	446

The foregoing actions of the State committee are hereby approved, and § 722.716 (e) is amended as hereinafter set forth.

Section 722.716 (e) of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Upland Cotton (20 F. R. 8247) as amended, is further amended by adding between the county acreage allotments for Tennessee and those for Virginia the county acreage allotments for counties in Texas as follows:

County	TEXAS	County allotments
Anderson		10,139
Andrews		3,375
Angelina		3,040
Aransas		1,101
Archer		2,061
Armstrong		1,416
Atascosa		9,402
Austin		16,499
Bailey*		90,128
Bastrop		10,865
Baylor		17,194
Bee		12,945
Bell		65,666
Bexar		3,626
Blanco		94
Borden		17,607

County	TEXAS—Continued	County allotments
Bosque		10,479
Bowie		7,879
Brazoria		10,649
Brazos		17,832
Brewster		137
Briscoe		23,696
Brooks		3,261
Brown		7,177
Burleson		25,383
Burnet		4,859
Caldwell		20,094
Calhoun		16,970
Callahan		7,761
Cameron		152,967
Camp		1,668
Carson		314
Cass		7,280
Castro		45,081
Chambers		77
Cherokee		10,806
Childress		53,256
Clay		9,923
Cochran		69,730
Coke		6,874
Coleman		31,157
Collin		74,233
Collingsworth		64,594
Colorado		8,570
Comal		238
Comanche		8,274
Concho		24,910
Cooke		6,128
Coryell		18,121
Cottle*		54,298
Crockett		15
Crosby		112,417
Culberson		3,730
Dallam		29
Dallas		33,872
Dawson*		198,432
Deaf Smith		8,463
Delta		34,411
Denton		18,923
DeWitt		15,484
Dickens*		52,469
Dimmit		1,545
Donley		28,006
Duval		13,845
Eastland		4,332
Ector		217
Edwards*		1
Ellis*		127,930
El Paso*		21,616
Erath		8,144
Falls		74,451
Fannin		61,554
Fayette		24,775
Fisher		80,999
Floyd*		86,173
Foard		12,067
Fort Bend		55,015
Franklin		3,298
Freestone		18,008
Frio		4,052
Gaines		72,260
Galveston		39
Garza*		39,904
Gillespie		1,127
Glasscock*		9,412
Goliad		4,346
Gonzales		13,320
Gray		3,270
Grayson		30,152
Gregg		1,240
Grimes		14,178
Guadalupe		18,297
Hale*		145,407
Hall*		93,566
Hamilton		8,658
Hansford		323
Hardeman		31,949
Hardin		52
Harris		4,126
Harrison		10,605
Haskell		118,538
Hays		7,305
Hemphill		1,498
Henderson		8,472
Hidalgo*		176,383
Hill		110,279

County	TEXAS—Continued	County allotments
Hockley		182,407
Hood		3,036
Hopkins		24,588
Houston		23,393
Howard*		73,489
Hudspeth		15,438
Hunt		84,632
Irion*		693
Jack		1,823
Jackson		10,880
Jasper		383
Jeff Davis		399
Jefferson		31
Jim Hogg*		1,768
Jim Wells		22,110
Johnson		34,608
Jones		108,872
Karnes		30,923
Kaufman		54,722
Kendall		44
Kenedy*		4
Kent*		10,044
Kerr		106
Kimble		110
King*		9,368
Kinney		422
Kleberg		8,568
Knox*		57,760
Lamar		53,749
Lamb*		184,048
Lampasas		2,053
La Salle		2,910
Lavaca		20,016
Lee		8,374
Leon		10,405
Liberty		2,862
Limestone*		66,057
Live Oak		18,229
Llano		376
Loving		298
Lubbock*		220,058
Lynn*		181,007
McCulloch		10,403
McLennan		81,937
McMullen		1,327
Madison		0,150
Marion		1,631
Martin*		89,576
Mason		1,474
Matagorda		16,566
Maverick		0,479
Medina		1,092
Menard		685
Midland		25,428
Milam		48,429
Mills		2,607
Mitchell		67,348
Montague		3,488
Montgomery		1,083
Moore		287
Morris		1,516
Motley*		34,181
Nacogdoches		5,292
Navarro		103,911
Newton		413
Nolan		41,468
Nueces		97,199
Ochiltree*		171
Oldham		19
Orange*		1
Palo Pinto		2,938
Panola		7,029
Parker		3,307
Parmer		93,776
Pecos		14,289
Polk		4,536
Potter		95
Presidio		2,589
Rains		7,542
Randall		674
Reagan		833
Real		1
Red River		25,438
Reeves		44,843
Refugio		12,180
Roberts		82
Robertson		24,216
Rockwall		18,438
Runnels*		84,489

TEXAS—Continued		County allotments
County:		
Rusk	-----	10,858
Sabine	-----	2,301
San Augustine	-----	5,997
San Jacinto	-----	3,653
San Patricio	-----	77,624
San Saba	-----	6,864
Schleicher*	-----	8,606
Scurry	-----	65,085
Shackelford	-----	3,589
Shelby	-----	7,129
Smith	-----	7,405
Somervell	-----	1,234
Starr*	-----	24,706
Stephens	-----	1,109
Sterling	-----	336
Stonewall	-----	25,469
Sutton	-----	13
Swisher	-----	43,185
Tarrant	-----	9,012
Taylor	-----	33,448
Terrell*	-----	5
Terry*	-----	139,396
Throckmorton	-----	11,042
Titus	-----	2,443
Tom Green	-----	54,180
Travis	-----	34,775
Trinity	-----	4,132
Tyler	-----	387
Upshur	-----	2,329
Uvalde	-----	899
Val Verde	-----	137
Van Zandt	-----	20,382
Victoria	-----	23,519
Walker	-----	5,692
Waller	-----	4,534
Ward	-----	6,939
Washington	-----	19,748
Webb	-----	1,792
Wharton	-----	67,410
Wheeler	-----	26,638
Wichita	-----	5,544
Wilbarger	-----	48,295
Willacy*	-----	89,056
Williamson	-----	102,729
Wilson	-----	5,487
Winkler	-----	0
Wise	-----	1,916
Wood	-----	2,894
Yoakum	-----	30,995
Young	-----	11,470
Zapata*	-----	2,128
Zavala	-----	7,885
a. State total	-----	6,670,437
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	-----	740,456
c. State allotment	-----	7,410,893

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 2d day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 55-9812; Filed, Dec. 2, 1955; 3:36 p. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter B—Economic Regulations

#### PART 207—CHARTER TRIPS AND SPECIAL SERVICES

#### TEMPORARY AUTHORIZATION FOR NATIONAL DEFENSE TRANSPORTATION

By order of the Board, No. E-9756, dated November 18, 1955, the effective-

ness of the provisions of § 207.11 was further extended to December 1, 1956.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

Dated: November 30, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 55-9778; Filed, Dec. 5, 1955; 8:51 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XVI—Agricultural Marketing Service, Department of Agriculture

[Defense Food Order 2, as Amended, Termination]

#### DFO 2—PROCESSED FRUITS AND VEGETABLES: SET ASIDE REQUIREMENTS

##### TERMINATION

It is hereby found and determined that the provisions of Defense Food Order 2, as amended (16 F. R. 3345, 4981, 19 F. R. 58) are at this time not necessary to promote the national defense; therefore, the order is hereby terminated effective December 1, 1955:

Provided, That with respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order No. 2, as amended, prior to the effective date of the provisions hereof, all provisions of said Defense Food Order No. 2, as amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

Defense Food Order 2 essentially is a Delegation of Authority and no set aside requirements are in effect under its provisions. Further, military requirements are being obtained under procurement other than through set asides. Since the termination of this order is a matter of internal management, industry consultation is not necessary with respect to this action.

(Sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. 2154)

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator.

[F. R. Doc. 55-9762; Filed, Dec. 5, 1955; 8:51 a. m.]

[Defense Food Order 4, as Amended, Termination]

#### DFO 4—REGULATIONS GOVERNING FILING OF AND ACTIONS ON PETITIONS FOR RELIEF FROM HARDSHIP AND OTHER ADJUSTMENTS AND EXCEPTIONS AND APPEALS

##### TERMINATION

It is hereby found and determined that the provisions of Defense Food Order 4, as amended (16 F. R. 7568; 19 F. R. 57, 59) do not now appear necessary or appropriate and this termination order is hereby made effective. Defense Food Order 2, as amended (16 F. R. 3345, 4981) has been terminated and no other de-

fense food orders are in effect. In view of the foregoing, consultation with industry representatives, including trade association representatives, in the formulation of this termination order has been rendered impracticable and unnecessary.

*Summary of termination order.* The effect of this action is to terminate the regulations governing the filing of, and actions on, petitions for relief from hardship and appeals therefrom.

*Regulatory provisions.* Defense Food Order 4, as amended (16 F. R. 7568; 19 F. R. 57, 59) is hereby terminated effective December 1, 1955: *Provided*, That with respect to rights accrued, liabilities incurred, and petitions and appeals taken under the provisions of said Defense Food Order 4, as amended, the provisions of said Defense Food Order 4, as amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such right, liability, petition, or appeal.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

Done at Washington, D. C., this 1st day of December 1955.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 55-9763; Filed, Dec. 5, 1955; 8:51 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix—Public Land Orders

[Public Land Order 1228, Correction]

#### IDAHO

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

NOVEMBER 30, 1955.

In Federal Register Document 55-7925, appearing at page 7335 of the issue for Saturday, October 1, 1955, the name of the forest under Idaho 05282 should read: "Challis National Forest"

The Indian Creek Landing Field, Lake Creek Patrol Station, and Little Creek Patrol Station are all in the Challis National Forest.

EDWARD WOOLEY,  
Director.

[F. R. Doc. 55-9743; Filed, Dec. 5, 1955; 8:45 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[S. O. 833-A]

#### PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS, TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOCKS

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 30th day of November A. D. 1955.

Upon further consideration of Service Order No. 909 (20 F. R. 7370) and good cause appearing therefor:

It is ordered, that:

Section 95.909 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., December 2, 1955; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the

office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 3.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-9768; Filed, Dec. 5, 1955; 8:49 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### [ 26 CFR (1954) Part 200 ]

#### RULES OF PRACTICE IN PERMIT PROCEEDINGS

#### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U. S. C. 1001, et seq.) approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805) and the Federal Alcohol Administration Act (49 Stat. 977; 27 U. S. C. 201, et seq.)

[SEAL] PAUL K. WEBSTER,  
Acting Commissioner  
of Internal Revenue.

*Preamble.* 1. The regulations in this part shall supersede Regulations 123 (26 CFR (1939) Part 200; 19 F. R. 8502)

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

#### Subpart A—Scope and Construction of Regulations

Sec.	
200.1	Scope of part.
200.2	Liberal construction.
200.3	Forms prescribed.

#### Subpart B—Definitions

200.5	Meaning of terms.
200.6	Applicant.
200.7	Application.
200.8	Assistant regional commissioner.
200.9	Attorney for the Government.
200.10	Citation.
200.11	Commissioner.
200.12	Director, Alcohol and Tobacco Tax Division.

Sec.	
200.13	Examiner.
200.14	Initial decision.
200.15	I. R. C.
200.16	Other terms.
200.17	Permit.
200.18	Permittee.
200.19	Person.
200.20	Recommended decision.
200.21	Regional commissioner.
200.22	Respondent.

#### Subpart C—General

200.25	Communications and pleadings.
200.26	Service on applicant or respondent.
200.27	Service on the assistant regional commissioner or Director.

#### TIME

200.28	Computation.
200.29	Continuances and extensions.

#### REPRESENTATION AT HEARINGS

200.30	Personal representation.
200.31	Attorneys.
200.32	Authority of commissioner.

#### Subpart D—Compliance and Settlement

200.35	Opportunity for compliance.
	INFORMAL SETTLEMENT
200.36	General.
200.37	Notice of contemplated action.
200.38	Limitation on informal settlement.

#### Subpart E—Grounds for Citation

200.45	FAA permits.
200.46	Tobacco permits.
200.47	Container permits.
200.48	Alcohol permits.
200.49	Applications.
200.50	Expiration of permit.

#### Subpart F—Hearing Procedure

##### CITATIONS

200.55	Content.
200.56	Form.
200.57	Execution and disposition.
200.58	Designated place of hearing.

##### REQUEST FOR HEARING

200.59	Application cases.
200.60	Suspension, revocation or annulment cases.
200.61	Notice of hearing.

##### NON-REQUEST FOR HEARING

200.62	Initial application.
200.63	Renewal application.

##### ANSWERS

200.64	When required.
200.65	Answer admitting facts.
200.66	Prehearing conferences.

##### FAILURE TO APPEAR

200.67	Initial application.
200.68	Renewal application.

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200.69	Suspension, revocation or annulment.

#### WAIVER OF HEARING

200.70	Application proceedings.
200.71	Suspension, revocation or annulment proceedings.

#### SURRENDER OF PERMIT

200.72	Before citation.
200.73	After citation.

#### MOTIONS

200.74	General.
200.75	Prior to hearing.
200.76	At hearing.

#### HEARING

200.77	General.
200.78	Initial applications.
200.79	Suspension, revocation, annulment or renewal.

#### BURDEN OF PROOF

200.80	Initial applications.
200.81	Suspension, revocation, annulment or renewal.

#### GENERAL

200.82	Stipulation at hearing.
200.83	Evidence.
200.84	Closing of hearing; arguments, briefs and proposed findings.
200.85	Reopening of the hearing.

#### RECORD OF TESTIMONY

200.86	Stenographic record.
200.87	Oath of reporter.

#### Subpart G—Hearing Examiners

200.95	Responsibilities of examiners.
200.96	Disqualification.
200.97	Powers.
200.98	Separation of functions.
200.99	Conduct of hearing.
200.100	Unavailability of examiner.

#### Subpart H—Decisions

200.105	Examiner's findings and decision or recommended decision.
200.106	Certification and transmittal of record and decision.

#### ACTION BY ASSISTANT REGIONAL COMMISSIONER

200.107	Initial application proceedings.
200.108	Suspension, revocation, annulment or renewal application proceedings.
200.109	Notice to Director, Alcohol and Tobacco Tax Division.
200.110	Proceedings involving violations not within region of issuance of permit.

#### Subpart I—Review

200.115	Appeal on petition to the Director, Alcohol and Tobacco Tax Division.
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## Sec.

- 200.116 Review by Director, Alcohol and Tobacco Tax Division.  
 200.117 Permit privileges, exceptions.  
 200.118 Court review; permits under the Internal Revenue Code.  
 200.119 Court review; FAA permits.

## Subpart J—Miscellaneous

- 200.125 Depositions.  
 200.126 Subpoenas.  
 200.127 Witnesses and fees.

## RECORD

- 200.128 What constitutes record.  
 200.129 Availability.

AUTHORITY: §§ 200.1 to 200.129 issued under 68A Stat. 917, 49 Stat. 977; 26 U. S. C. 7805, 27 U. S. C. 201 et seq.

## SUBPART A—SCOPE AND CONSTRUCTION OF REGULATIONS

§ 200.1 *Scope of part.* The rules in this part govern the procedure and practice in connection with the disapproval of applications for basic permits, and for the suspension, revocation and annulment of such permits under sections 3 and 4 of the Federal Alcohol Administration Act (27 U. S. C. 201 et seq.) and disapproval, suspension, and revocation of basic permits under the Internal Revenue Code (26 U. S. C.) The rules in this part shall also govern, insofar as applicable, any adversary proceeding involving adjudication required by statute to be determined on the record, after opportunity for hearing, under laws administered by the Alcohol and Tobacco Tax Division, Internal Revenue Service.

§ 200.2 *Liberal construction.* The rules in this part shall be liberally construed to secure just, expeditious, and efficient determination of the issues presented. The Rules of Civil Procedure for the District Courts of the United States, where applicable, shall be a guide in any situation not provided for or controlled by this part, but shall be liberally construed, or relaxed when necessary.

§ 200.3 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part. Information called for shall be furnished in accordance with the instructions on the form or issued in respect thereto.

## SUBPART B—DEFINITIONS

§ 200.5 *Meaning of terms.* As used in this part; unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 200.6 *Applicant.* "Applicant" shall mean any person who has filed an initial application for a permit under the Federal Alcohol Administration Act or Internal Revenue Code.

§ 200.7 *Application.* "Application" shall mean any application for a permit under the Federal Alcohol Administration Act or Internal Revenue Code. The term "initial application" shall mean an application for an original permit for operations not covered by an existing permit. The term "renewal application" shall mean an application timely filed for the renewal of an existing permit.

§ 200.8 *Assistant regional commissioner.* "Assistant regional commis-

sioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of the regional commissioner.

§ 200.9 *Attorney for the government.* The attorney for the Government shall mean the attorney in the office of the chief counsel (assigned to the National or regional office) authorized to represent the assistant regional commissioner in the proceeding.

§ 200.10 *Citation.* "Citation" shall include any notice contemplating the disapproval of an application (whether initial or renewal) or any order to show cause why a permit should not be suspended, revoked or annulled.

§ 200.11 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 200.12 *Director Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D. C.

§ 200.13 *Examiner.* "Examiner" shall mean the examiner appointed pursuant to section 11 of the Administrative Procedure Act, designated to preside over any administrative proceeding under this part.

§ 200.14 *Initial decision.* "Initial decision" shall mean the decision (order) of the assistant regional commissioner in any proceeding on an initial application for a permit, and the decision of the examiner in any proceeding on the suspension, revocation or annulment of a permit or on the disapproval of a renewal application.

§ 200.15 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 200.16 *Other terms.* Any other term defined in the Federal Alcohol Administration Act (27 U. S. C. 201), the Internal Revenue Code (26 U. S. C.) or the Administrative Procedure Act (5 U. S. C. 1001) where used in the regulations in this part shall have the meaning assigned to it therein.

§ 200.17 *Permit.* "Permit" shall mean a formal document issued under the Federal Alcohol Administration Act or the Internal Revenue Code, authorizing the person named therein to engage in the activities described. "FAA permit" shall mean a basic permit under the provisions of the Federal Alcohol Administration Act. "Alcohol permit" shall mean a basic permit under the provisions of the Internal Revenue Code relating to alcohol, whether industrial, taxfree, or denatured. "Container permit" shall mean a permit under the provisions of the Internal Revenue Code relating to the regulation of the traffic in containers of distilled spirits. "Tobacco permit" shall mean a permit under the provisions of the Internal Revenue Code relating to tobacco materials, tobacco, cigars, cigarettes, and cigarette papers and tubes.

§ 200.18 *Permittee.* "Permittee" shall mean any person holding a basic permit under the Federal Alcohol Administra-

tion Act or the Internal Revenue Code, as aforesaid.

§ 200.19 *Person.* "Person" shall mean an individual, partnership, joint stock company, business trust, association, corporation or other form of business enterprise including receivers, trustees, or liquidating agents.

§ 200.20 *Recommended decision.* "Recommended decision" shall mean the advisory decision of the examiner in any proceeding on an initial application for a permit.

§ 200.21 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 200.22 *Respondent.* "Respondent" shall mean any person holding a permit against which an order has been issued to show cause why such permit should not be suspended, revoked or annulled, or against the renewal of which a notice of contemplated disapproval has been issued.

## SUBPART C—GENERAL

§ 200.25 *Communications and pleadings.* All communications to the Government regarding the procedures set forth in this part and all pleadings, such as answers, motions, requests, or other papers or documents required or permitted to be filed under this part, relating to a proceeding pending before an examiner, shall be addressed to the examiner at his post of duty or to the examiner in care of the assistant regional commissioner of the region in which the business of the applicant or respondent is operated or proposed to be operated to be forwarded to the examiner. Communications concerning proceedings not pending before an examiner should be addressed to the Assistant Regional Commissioner or Director, Alcohol and Tobacco Tax Division, as the case may be. All pleadings should be filed in quadruplicate.

§ 200.26 *Service on applicant or respondent.* All orders, notices, citations, motions and other formal documents, except subpoenas, required to be served under the regulations in this part may be served by mailing a signed duplicate original copy thereof to the permittee or applicant by registered mail, with request for return receipt card, at the address stated in his permit or application or at his last known address, or by delivery of such original copy to the permittee or applicant personally, or in the case of a corporation, partnership, or other unincorporated association, by delivering the same to an officer, or manager, or general agent thereof, or to its attorney of record. Such personal service may be made by any employee of the Internal Revenue Service or by any employee of the Treasury Department designated by the Secretary. A certificate of mailing and the return receipt card, or certificate of service signed by the person making such service, shall be filed as a part of the record.

§ 200.27 *Service on the assistant regional commissioner or Director.* Pleadings, motions, notices, and other formal

documents, except subpoenas, may be served, by registered mail or personally, on the assistant regional commissioner (or upon the attorney for the Government on behalf of the assistant regional commissioner) or on the Director, Alcohol and Tobacco Tax Division if the proceeding is before him for review on appeal.

#### TIME

§ 200.28 *Computation.* In computing any period of time prescribed or allowed by this part, the day of the act, event or default after which the designated period of time is to run, is not to be included. The last day of the period to be computed is to be included, unless it be a Saturday, Sunday or legal holiday, in which event the period runs until the next day which is neither a Saturday, Sunday or legal holiday. Pleadings, requests, or other papers or documents required or permitted to be filed under this part must be received for filing at the appropriate office within the time limits, if any, for such filing.

§ 200.29 *Continuances and extensions.* For good cause shown, the Commissioner, Director, Alcohol and Tobacco Tax Division, Assistant Regional Commissioner, or the examiner, as the case may be, may grant continuances and as to all matters pending before him extend any time limit prescribed by the rules in this part (except where the time limit is statutory)

#### REPRESENTATION AT HEARINGS

§ 200.30 *Personal representation.* Any individual or member of a partnership may after adequate identification, appear for himself, or such partnership, and a corporation or association may be represented by a bona fide officer of such corporation or association, upon showing of adequate authorization.

§ 200.31 *Attorneys.* A respondent or applicant may be represented by an attorney. *Provided,* That such attorney is duly enrolled to practice before the Treasury Department under the provisions of 31 CFR Part 10 (Treasury Department Circular No. 230)<sup>1</sup> and files in the proceeding a duly executed power of attorney to represent the applicant or respondent. See Conference and Practice Requirements, Internal Revenue Service, §§ 601.501-601.511 of this chapter. The assistant regional commissioner shall be represented in proceedings under this part by the attorney for the Government who is authorized to execute and file motions, briefs and other papers in the proceeding, on behalf of the assistant regional commissioner, in his own name as "Attorney for the Government"

§ 200.32 *Authority of Commissioner.* The Commissioner shall have all the authority granted by this part to examiners, assistant regional commissioners, and the Director, Alcohol and Tobacco Tax Division, and may exercise any of the functions prescribed in this part.

#### SUBPART D—COMPLIANCE AND SETTLEMENT

§ 200.35 *Opportunity for compliance.* Except in proceedings involving willfulness or those in which the public interest requires otherwise, and the assistant regional commissioner so alleges in his citation, stating his reasons therefor, no permit shall be suspended, revoked or annulled, or application for renewal disapproved, unless, prior to the institution of proceedings, facts or conduct warranting such action shall have been called to the attention of the permittee, or applicant for renewal, by the assistant regional commissioner, in writing, and the permittee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements, as set forth in section 9 (b) of the Administrative Procedure Act. If the permittee fails to meet the requirements of the law and regulations within such reasonable time as may be specified by the assistant regional commissioner, proceedings for suspension, revocation or annulment of the permit, or disapproval of the renewal application, shall be initiated.

#### INFORMAL SETTLEMENT

§ 200.36 *General.* In all proceedings in which a permittee is cited to show cause why his permit should not be suspended, revoked or annulled, or his application for renewal disapproved, he shall be afforded opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, where time, the nature of the proceeding, and the public interest permit, in accordance with section 5 (b) of the Administrative Procedure Act. Such submittals should be made to the assistant regional commissioner, but may be made through the attorney for the Government. Where necessary, the date of the hearing may be postponed, pending consideration of such proposals, when they are made in good faith and not for the purpose of delay. If proposals of settlement are submitted, and they are considered unsatisfactory, the assistant regional commissioner may reject the proposals and may, either directly or through the attorney for the Government, inform the permittee of any conditions on which the alleged violations may be settled. If the proposals of settlement are considered satisfactory to the assistant regional commissioner, he shall notify the permittee thereof and the attorney for the Government shall move the dismissal of the proceedings, unless such proposals of settlement include a monetary offer in compromise, in which event he shall advise the hearing examiner that the offer has been made and is under consideration and the hearing examiner may, in his discretion, continue the proceeding pending final action on such monetary offer in compromise or he may proceed with the hearing and his consideration of the matter pending final action, but in no event shall he render his decision until final action on such offer in compromise.

§ 200.37 *Notice of contemplated action.* Where the assistant regional com-

missioner believes that the matter may be settled informally, i. e., without formal administrative proceedings, he shall, in accordance with section 5 (b) of the Administrative Procedure Act, prior to the issuance of a citation, inform the permittee of the contemplated issuance of an order to show cause why his permit should not be suspended, revoked or annulled, or his application for renewal thereof be disapproved, and that he is being given an opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment. The notice should inform the permittee of the charges on which the citation would be based, if issued, and afford him a period of 10 days from the date of the notice, or such longer period as the assistant regional commissioner deems necessary, in which to submit proposals of settlement to the assistant regional commissioner. Where informal settlement is not reached promptly because of the inaction of the permittee, or proposals are made for the purpose of delay, citation shall issue in accordance with §§ 200.55 and 200.56, and the hearing shall be held in accordance with the rules in this part.

§ 200.38 *Limitation on informal settlement.* Where the evidence is conclusive and the nature of the violation is such as to preclude any settlement short of suspension, revocation or annulment, or disapproval of renewal application, or the violation is of a continuing character that necessitates immediate action to protect the public interest, or where the assistant regional commissioner believes that any informal settlement of the alleged violation will not insure future compliance with the laws and regulations, or in any similar case where the circumstances are such as to clearly preclude informal settlement, and the assistant regional commissioner so finds and states his reasons therefor as provided in § 200.35, he may restrict settlement to that provided in § 200.71.

#### SUBPART E—GROUNDS FOR CITATION

§ 200.45 *FAA permits.* Whenever the assistant regional commissioner has reason to believe that any person has willfully violated any of the conditions of his FAA permit, or has not in fact or in good faith engaged in the operations authorized by such permit for a period of more than two years, or that such permit was procured through fraud, misrepresentation or concealment of material facts, he shall issue a citation for the suspension, revocation or annulment of such permit, as the case may be.

§ 200.46 *Tobacco permits.* Whenever the assistant regional commissioner has reason to believe that any person has not in good faith complied with any of the provisions of Chapter 52 or regulations issued thereunder, or has not complied with any provision of the Internal Revenue Code which involves intent to defraud, or has violated any of the conditions of his permit, or has failed to disclose any material information required, or has made any materially false statement, in the application for his permit, or has failed to maintain his prem-

<sup>1</sup> See also 31 CFR Part 14.



ises in such manner as to protect the revenue, the assistant regional commissioner shall issue a citation for the revocation or suspension of such permit.

§ 200.47 *Container permits.* Whenever the assistant regional commissioner has reason to believe that the permittee has violated any of the provisions of the Internal Revenue Code regulating the traffic in containers of distilled spirits, the regulations thereunder, or any of the terms or conditions of his permit, the assistant regional commissioner shall issue a citation for the revocation or suspension of such permit.

§ 200.48 *Alcohol permits.* If at any time there shall be filed with the assistant regional commissioner a complaint under oath setting forth facts showing, or if the assistant regional commissioner has reason to believe, that any person who has an alcohol permit is not in good faith conforming to the provisions of law applicable to such permit or has violated the terms of such permit, or has made any false statement in the application therefor, or has willfully failed to disclose any information required by regulation to be furnished, or has violated any law of the United States, or any State or any Territory or possession of the United States or of the District of Columbia relating to intoxicating liquor, he shall issue a citation for the revocation of such permit.

§ 200.49 *Applications.* If, upon examination of any application (including a renewal application) for a permit, the assistant regional commissioner has reason to believe that the applicant is not entitled to such permit he shall issue a citation for the contemplated disapproval of the application.

§ 200.50 *Expiration of permit.* In any case where a permittee has, in accordance with the law and regulations, made timely and sufficient application for a renewal of its permit, such permit shall not expire until such application shall have been finally determined.

#### SUBPART F—HEARING PROCEDURE CITATIONS

§ 200.55 *Content.* Citations for the suspension, revocation or annulment of a permit shall be issued by the assistant regional commissioner and shall set forth (a) the sections of law and regulations relied upon for authority and jurisdiction of the hearing, (b) in separate paragraphs, the matters of fact constituting the violations specified, dates, places, sections of law and regulations violated, and (c) the time (in alcohol permit proceedings not more than 30 and not less than 15 days from date of service of citation) and place and nature of the hearing. Citations for the disapproval of an application for an initial or renewal permit shall set forth (1) the sections of law and regulations relied upon for authority and jurisdiction, (2) in separate paragraphs, the matters of fact and law relied upon for the contemplated disapproval of the application, and (3) that the application will be disapproved unless within 15 days a hearing thereon is requested.

§ 200.56 *Form.* Citations shall be issued on the following forms:

(a) Form 1430, "Order To Show Cause Why Permit Should Not Be Revoked," shall be used where citations are issued against alcohol permittees on complaint, under oath, of persons other than the assistant regional commissioner, and there shall be attached thereto a copy of the complaint.

(b) Form 1430-A, "Order To Show Cause," shall be used for all other citations for the suspension, revocation, or annulment, as the case may be, of permits under the Internal Revenue Code or the Federal Alcohol Administration Act.

(c) Form 1430-C, "Notice of Contemplated Disapproval of Application For Basic Permit," shall be used to issue notice of contemplated disapproval of applications for permit, whether initial or renewal.

§ 200.57 *Execution and disposition.* Forms 1430, 1430-A and 1430-C shall be executed in quintuplicate. A signed duplicate original shall be served on the permittee, one copy shall be sent to the examiner designated to conduct the hearing, the original copy, containing the certificate of service, shall be placed in the official record of the proceeding, and the remaining copies shall be retained for the assistant regional commissioner's office.

§ 200.58 *Designated place of hearing.* The designated place of hearing, (a) in the case of alcohol permits, shall be within the same Federal judicial district and within fifty miles of the place wherein the acts constituting the violations are alleged to have occurred unless the parties agree on a different place; and (b) in the case of all other permits, shall be such as meets the convenience or necessity of the parties.

#### REQUEST FOR HEARING

§ 200.59 *Application cases.* If the applicant for an initial or renewal permit desires a hearing, he shall file a request therefor, in writing, with the assistant regional commissioner within fifteen days after receipt of notice of the contemplated disapproval, in whole or in part, of his application.

§ 200.60 *Suspension, revocation or annulment cases.* No request for a hearing is necessary on citations for suspension, revocation or annulment, since the order to show cause sets forth on its face the date the respondent is to appear to show cause why his permit should not be suspended, revoked or annulled.

§ 200.61 *Notice of hearing.* In case a request for a hearing is filed by the applicant within the required time, the assistant regional commissioner shall refer the matter to the examiner and the examiner shall set a time and place for a hearing and shall serve notice thereof upon the parties at least ten days in advance of the hearing date.

#### NON-REQUEST FOR HEARING

§ 200.62 *Initial application.* In the case of an initial application, if the applicant does not request a hearing within

the time specified in § 200.59, or within such further time as the assistant regional commissioner may in his discretion allow, the assistant regional commissioner will by order, stating the findings upon which it is based, disapprove the application, and will serve signed duplicate original of such order on the applicant.

§ 200.63 *Renewal application.* In the case of a renewal application, if the applicant does not request a hearing within the time specified in § 200.59, the assistant regional commissioner shall immediately refer the matter to the examiner who shall set it down for hearing as if such hearing had been requested.

#### ANSWERS

§ 200.64 *When required.* After service of a citation upon the respondent, ordering him to appear and show cause why his permit shall not be suspended, revoked or annulled, if he desires to contest the proceedings he shall, within 15 days from service of the order to show cause, file with the examiner and serve on the assistant regional commissioner an answer, in writing, to the allegations set forth therein. Such answer shall contain a concise statement of the facts that constitute his grounds of defense. Evidence to be introduced upon such hearing may be limited to the issues contained in the order to show cause and answers filed thereto: *Provided, however* That where justice demands, the examiner shall waive any of the requirements of this section. Answers need not be filed in application proceedings.

§ 200.65 *Answer admitting facts.* If the respondent desires to waive the hearing on the allegations of fact set forth in the order to show cause, and does not contest the facts, the answer may consist of a statement that the respondent admits all material allegations of fact charged in the citation to be true. The examiner shall thereupon base his findings on the citation and such answer: *Provided, however*, That nothing herein contained shall affect the respondent's right to submit proposed findings and conclusions of fact or law and his right of appeal.

§ 200.66 *Prehearing conferences.* In any proceeding the hearing examiner may, upon his own motion or upon the motion of one of the parties or their qualified representatives, in his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (a) The simplifications of the issues;
- (b) The necessity of amendments to the pleadings;
- (c) The possibility of obtaining stipulations, admissions of facts and of documents;
- (d) The limitation of the number of expert witnesses; and
- (e) Such other matters as may aid in the disposition of the proceeding.

As soon as practicable after such conference, the hearing examiner shall issue an order which recites the action taken thereat, the amendments allowed

to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admission or agreement; and such order shall control the subsequent course of the proceedings, unless modified for good cause by a subsequent order.

#### FAILURE TO APPEAR

§ 200.67 *Initial applications.* Where the applicant on an initial application for a permit has requested a hearing and does not appear at the appointed time and place, and evidence has not been offered to refute or explain the grounds upon which disapproval of the application is contemplated, this shall be construed as a waiver of the hearing, a default will be entered and the examiner shall recommend disapproval of said application.

§ 200.68 *Renewal applications.* Where the applicant on an application for a renewal permit has requested a hearing, or hearing has been set as provided in § 200.63, and no evidence is offered as stated, the attorney for the Government will proceed ex parte as set forth in § 200.69.

§ 200.69 *Suspension, revocation or annulment.* If on the date set for the hearing respondent does not appear and no evidence has been offered, the attorney for the Government will proceed ex parte and offer for the record sufficient evidence to make a prima facie case. At such hearing, documents, statements and affidavits may be submitted in lieu of testimony of witnesses.

#### WAIVER OF HEARING

§ 200.70 *Application proceedings.* At any time prior to final action thereon the applicant may, by filing written notice with the assistant regional commissioner, withdraw his application. If such a notice is filed after referral to the hearing examiner of a proceeding on an application for an initial or renewal permit and prior to issuance of his recommended decision or decision thereon, the assistant regional commissioner shall move the examiner to dismiss the proceedings as moot. If such a notice is filed while the proceeding is before the assistant regional commissioner and prior to final action thereon, that is, either (a) after issuance of a notice of contemplated disapproval and before referral of the proceeding to the hearing examiner or (b) after issuance by the hearing examiner of his recommended decision and prior to the assistant regional commissioner's order disapproving the application, the assistant regional commissioner shall, by order, dismiss the proceeding.

§ 200.71 *Suspension, revocation or annulment proceedings.* After the service of a citation for the suspension, revocation or annulment of a basic permit, the permittee may, if he so desires, waive the taking of evidence, but such waiver shall be accepted only if he stipulates that the examiner may enter an appropriate decision sustaining the charges

and suspending, revoking or annulling the permit.

#### SURRENDER OF PERMIT

§ 200.72 *Before citation.* If a respondent surrenders his permit before citation, the assistant regional commissioner may accept the surrender. But if the evidence, in the opinion of the assistant regional commissioner, warrants citation for suspension, revocation or annulment, he shall refuse to accept such surrender and shall issue the citation notifying the permittee at the same time that he may file a formal waiver as provided in § 200.71. Should such waiver not be filed after notice, the examiner will proceed with the hearing on the citation.

§ 200.73 *After citation.* If a respondent surrenders his permit after citation and prior to the decision of the examiner, the assistant regional commissioner may accept the surrender of the permit and move the examiner to dismiss the proceeding as moot. If, however, in the opinion of the assistant regional commissioner the evidence is such as to warrant suspension, revocation or annulment, as the case may be, he shall refuse to accept the surrender of the permit and shall notify the respondent that he may file a formal waiver as provided in § 200.71. Should such formal waiver not be filed after notice, the examiner will proceed with the hearing on the citation.

#### MOTIONS

§ 200.74 *General.* All motions shall be made and addressed to the officer before whom the proceeding is pending, and copies of all motion papers shall be served upon the other party or parties. Such officer may dispose of any motion without oral argument, but he may, if he so desires, set it down for hearing and request argument. He may dispose of such motion prior to the hearing on the merits or he may postpone the disposition until the hearing on the merits. No appeal may be taken from any ruling on a motion until the whole record is certified for review. Examples of typical motions may be found in the Rules of Civil Procedure referred to in § 200.2.

§ 200.75 *Prior to hearing.* All motions which should be made prior to the hearing, such as motions directed to the sufficiency of the pleadings or of preliminary orders, shall be filed in writing with the assistant regional commissioner issuing the citation or the examiner if the matter has been referred to him, and shall briefly state the order or relief applied for and the grounds for such motion, and shall be filed within 15 days after service of the citation.

§ 200.76 *At hearing.* Motions at the hearing may be made in writing to the examiner, or stated orally on the record.

#### HEARING

§ 200.77 *General.* Unless the hearing is waived by the applicant or permittee, or postponed, or transferred to another place, by a written agreement signed by the applicant or permittee, or his attorney, and the attorney for the Government and approved and filed with the

examiner, or unless the hearing is postponed, or transferred (subject to statutory limitations) by order of the examiner for good cause shown by either party, it shall be held at the time and place stated in the citation, by the examiner named in the citation, or in the notice of hearing as the case may be, or any other duly designated and appointed examiner assigned to hold such hearing.

§ 200.78 *Initial applications.* The examiner who presides at the hearing on initial applications shall recommend a decision to the assistant regional commissioner who shall make the initial decision as provided in § 200.107. The applicant may be directed by the assistant regional commissioner to produce such records as may be deemed necessary for examination. All hearings on initial applications shall be open to the public subject to such restrictions and limitations as may be consistent with orderly procedure.

§ 200.79 *Suspension, revocation, annulment or renewal.* The examiner who presides at the hearing in proceedings on applications for renewal permits and in proceedings for the suspension, revocation and annulment of permits shall make the initial decision.

#### BURDEN OF PROOF

§ 200.80 *Initial applications.* In hearings on the contemplated disapproval of initial applications there may be incorporated in the record sufficient testimony, reports, affidavits and other documents to be considered only for the limited purpose of establishing probable cause for the issuance of the notice of contemplated disapproval by showing that the assistant regional commissioner had reason to believe that the applicant is not entitled to a permit. The burden of proof shall be upon the applicant to produce evidence to show he is entitled to a permit. The assistant regional commissioner may, instead of following the aforementioned procedure, assume the burden of going forward.

§ 200.81 *Suspension, revocation, annulment or renewal.* In hearings on the contemplated disapproval of renewal applications, or on the suspension, revocation or annulment of permits, the burden of proof is on the Government.

#### GENERAL

§ 200.82 *Stipulations at hearing.* If there has been no prehearing conference under § 200.66, the examiner shall at the beginning of the hearing, require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to allegations of fact concerning which there is no substantial dispute. The examiner should take similar action, where it appears appropriate, throughout the hearing and should call and conduct any conferences which he deems advisable with a view to the simplification, clarification, and disposition of any of the issues involved.

§ 200.83 *Evidence.* Any evidence which would be admissible under the rules of evidence governing proceedings in matters not involving trial by jury in the

Courts of the United States, shall be admissible and controlling as far as possible: *Provided*, That the examiner may relax such rules in any hearing when in his judgment such relaxation would not impair the rights of either party and would more speedily conclude the hearing, or would better serve the ends of justice. Except as provided in § 200.81, the proponent of an order shall have the burden of proof. Every party shall have the right to present his case or defense by oral or documentary evidence, depositions, duly authenticated copies of records and documents, to submit rebuttal evidence, and to conduct such reasonable cross-examination as may be required for a full and true disclosure of the facts. The examiner shall have the right in his discretion to limit the number of witnesses whose testimony may be merely cumulative and shall, as a matter of policy, not only exclude irrelevant, immaterial, or unduly repetitious evidence but shall also limit the cross-examination of witnesses to reasonable bounds so as not to unnecessarily prolong the hearing and unduly burden the record. Material and relevant evidence shall not be excluded, because it is not the best evidence, unless its authenticity is challenged, in which case reasonable time shall be given to establish its authenticity. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination. Compilations, charts, summaries of data and photostatic copies of documents may be admitted in evidence if the proceedings will thereby be expedited, and if the material upon which they are based is available for examination by the parties. Objections to the evidence shall be in short form, stating the grounds relied upon. The transcript shall not include argument or debate on objections, except as ordered by the examiner, but shall include the rulings thereon.

§ 200.84 *Closing of hearing; arguments, briefs and proposed findings.* Before closing a hearing, the examiner shall inquire of each party whether he has any further evidence to offer, which inquiry and the response thereto shall be shown in the record. The examiner may hear arguments of counsel and may limit the time of such arguments at his discretion, and may, in his discretion, allow briefs to be filed on behalf of either party but shall closely limit the time within which the briefs for both parties shall be filed, so as to avoid unreasonable delay. The examiner shall also ascertain whether the parties desire to submit proposed findings and conclusions, together with supporting reasons, and if so a period of not more than 15 days (unless extended by the examiner)—after the close of the hearing or receipt

of a copy of the record, if one is requested—will be allowed for such purpose.

§ 200.85 *Reopening of the hearing.* The Commissioner, the Director, Alcohol and Tobacco Tax Division, the assistant regional commissioner or the examiner, as the case may be, may, as to all matters pending before him, in his discretion reopen the hearing (a) in case of default where applicant failed to request a hearing or to appear after one was set, upon petition setting forth reasonable grounds for such failure, and (b) in case any party desires leave to adduce additional evidence upon petition summarizing such evidence, establishing its materiality and stating reasonable grounds why such party with due diligence was unable to produce such evidence at the hearing.

#### RECORD OF TESTIMONY

§ 200.86 *Stenographic record.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact (but not arguments of counsel unless otherwise ordered by the examiner) in all proceedings. A transcript of the evidence and proceedings at the hearing shall be made in all cases.

§ 200.87 *Oath of reporter.* The reporter making the stenographic record shall subscribe an oath before the examiner, to be filed in the record of the case, that he will truly and correctly report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of his ability.

#### SUBPART C—HEARING EXAMINERS

§ 200.95 *Responsibilities of examiners.* Examiners shall be under the administrative control of the Commissioner. They shall be responsible for the conduct of hearings and shall render their decisions as soon as is reasonably possible after the hearing is closed. Examiners shall also be responsible for the preparation, certification and forwarding of reports of hearings, and the administrative work relating thereto, and, by arrangement with assistant regional commissioners and representatives of the Chief Counsel, shall have access to facilities and temporary use of personnel at such times and places as are needed in the prompt dispatch of official business.

§ 200.96 *Disqualification.* An examiner shall, at any time, withdraw from any proceeding if he deems himself disqualified; and upon the filing in good faith by the applicant or respondent, or by the attorney for the Government, of a timely and sufficient affidavit of facts showing personal bias or otherwise warranting the disqualification of any examiner, the Director, Alcohol and Tobacco Tax Division, shall upon appeal as provided in § 200.115, if the examiner fails to disqualify himself, determine the matter as a part of the record and decision in the proceeding. If he decides the examiner should have declared himself disqualified, he will remand the record for hearing de novo before another examiner. If the Director, Alcohol and

Tobacco Tax Division, should decide against the disqualification of the examiner, the proceeding will be reviewed on its merits.

§ 200.97 *Powers.* Examiners shall have authority to (a) administer oaths and affirmations; (b) issue subpoenas authorized by law; (c) rule upon offers of proof and receive relevant evidence; (d) take or cause depositions to be taken whenever the ends of justice would be served thereby; (e) regulate the course of the hearing; (f) hold conferences for the settlement or simplification of the issues by consent of the parties; (g) dispose of procedural requests or similar matters; (h) render recommended decisions in proceedings on initial applications for permits, and initial decisions in renewal applications for permits and in suspension, revocation, or annulment proceedings against permits; (i) call, examine and cross-examine witnesses, including hostile or adverse witnesses when he deems such action to be necessary to a just disposition of the cause, and introduce into the record documentary or other evidence; and (j) take any other action authorized by rule of the Internal Revenue Service consistent with the Administrative Procedure Act.

§ 200.98 *Separation of functions.* Examiners shall perform no duties inconsistent with their duties and responsibilities as such. Examiners may be assigned duties not inconsistent with the performance of their functions as examiners. Save to the extent required for the disposition of ex parte matters as required by law, no examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate. The functions of the examiner shall be entirely separated from the general investigative functions of the agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any proceeding shall, in that or a factually related proceeding, participate or advise in the examiner's or Commissioner's decision, or in the agency review on appeal, except as a witness or counsel in the proceedings. The examiner may not informally obtain advice or opinions from the parties or their counsel, or from any officer or employee of the Internal Revenue Service, as to the facts or the weight or interpretation to be given to the evidence. He may, however, informally obtain advice on matters of law from officers or employees who were not engaged in the performance of investigative or prosecuting functions in that or a factually related proceeding. This limitation does not apply to the Commissioner, and the examiner may, at any time, consult with and obtain instructions from him on questions of law and policy.

§ 200.99 *Conduct of hearing.* The examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in form and manner consistent with dignity. In the event that counsel or any person or witness in any proceeding shall refuse to obey the orders of the examiner, or be

guilty of disorderly or contemptuous language or conduct in connection with any hearing, the examiner may, for good cause stated in the record, suspend the hearing, and, in the case of an attorney, recommend that the Commissioner report the matter to the Director of Practice for disciplinary action. The refusal of a witness to answer any question which has been ruled to be proper shall be considered by the examiner in determining the weight to be given all the testimony of that witness.

§ 200.100 *Unavailability of examiner* In the event that the examiner designated to conduct a hearing becomes unavailable before the filing of his findings and decision or recommended decision, the Commissioner may assign the case to another examiner for the continuance of the proceeding, in accordance with the regulations in this part in the same manner as if he had been designated examiner at the commencement of the proceeding.

#### SUBPART H—DECISIONS

§ 200.105 *Examiner's finding and decision or recommended decision.* Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the examiner shall render his decision or recommended decision, as the case may be. All decisions shall become a part of the record and, if proposed findings and conclusions have been filed, shall show the examiner's ruling upon each of such proposed findings and conclusions. Decisions shall consist of (a) a brief statement of the issues of fact involved in the proceeding; (b) the examiner's findings and conclusions, as well as the reasons or basis therefor with record references, upon all the material issues of fact, law or discretion presented on the record (including, when appropriate, comment as to the credibility and demeanor of the witnesses) and (c) the examiner's determination or recommended determination on the record. Where the examiner determines that the imposition of a period of suspension of the permit is appropriate, his decision shall state the length of such period of suspension, to commence at such time as the assistant regional commissioner shall specify.

§ 200.106 *Certification and transmittal of record and decision.* After reaching his decision, the examiner shall certify to the complete record of the proceeding before him and (a) in proceedings on initial application, shall immediately forward the complete certified record together with four copies of his recommended decision to the assistant regional commissioner for initial decision, or (b) in proceedings on renewal applications and revocation, suspension or annulment proceedings, shall immediately forward the complete certified record, together with two copies of his decision, to the assistant regional commissioner, serve one copy of his decision on the respondent or his counsel and transmit a copy of his decision to the attorney for the Government.

#### ACTION BY ASSISTANT REGIONAL COMMISSIONER

§ 200.107 *Initial application proceedings.* If, upon receipt of the record and the recommended decision of the examiner, the assistant regional commissioner decides that the permit should be issued, he shall thereupon approve the application briefly stating, for the record, his reasons therefor, but if he contemplates the disapproval of the application he shall serve a copy of the examiner's recommended decision on the applicant, informing the applicant of his contemplated action and affording the applicant not more than 10 days in which to submit proposed findings and conclusions or exceptions to the recommended decision with reasons in support thereof. If the assistant regional commissioner, after consideration of the record of the hearing and of any proposed findings, conclusions or exceptions filed with him by the applicant, approves the findings, conclusions and recommended decision of the examiner, he shall by order approve or disapprove of the application in accordance therewith. If, after such consideration, he disapproves of the findings, conclusions and recommended decision of the examiner, in whole or in part, he shall by order make such findings and conclusions as in his opinion are warranted by the law and facts in the record. Any decision of the assistant regional commissioner ordering the disapproval of an initial application for a permit shall state the findings and conclusions upon which it is based, including his ruling upon each proposed finding, conclusion and exception to the examiner's recommended decision, together with a statement of his findings and conclusions, and reasons or basis therefor, upon all material issues of fact, law or discretion presented on the record. A signed duplicate original of the decision shall be served upon the applicant and the original copy containing certificate of service shall be placed in the official record of the proceeding.

§ 200.108 *Suspension, revocation, annulment or renewal application proceedings.* Upon receipt of the complete certified record of the hearing the assistant regional commissioner shall enter an order suspending, revoking or annulling the permit (on Form 1430-B) disapproving the application or dismissing the proceedings in accordance with the examiner's findings and decision, unless he disagrees with such findings and decision and files a petition with the Director, Alcohol and Tobacco Tax Division, for review thereof, as provided in § 200.115. If the assistant regional commissioner files such petition, he shall withhold issuance of the order, pending the decision of the Director, Alcohol and Tobacco Tax Division, upon receipt of which he shall issue the order in accordance therewith. A signed duplicate original of the order of the assistant regional commissioner shall be served upon the respondent and the original copy containing certificate of service shall be placed in the official record of the proceeding. In all proceedings in which a suspension is im-

posed, the assistant regional commissioner's order shall state the time when the suspension period set forth in the examiner's decision shall commence and terminate.

§ 200.109 *Notice to Director, Alcohol and Tobacco Tax Division.* When the assistant regional commissioner makes an order suspending, revoking or annulling a permit or disapproving a renewal application, he will furnish a copy of the order and of the decision on which it is based to the Director, Alcohol and Tobacco Tax Division. Should such order be subsequently set aside on review by the courts, the assistant regional commissioner will so advise the Director, Alcohol and Tobacco Tax Division.

§ 200.110 *Proceedings involving violations not within region of issuance of permit.* In the event that a citation covers violations which occurred at a place not within the region of issuance of the permit involved, the assistant regional commissioner of such region may (and, in the case of alcohol permits, shall) set the matter for hearing. In all such cases the hearing examiner shall forward the complete and duly certified transcript of the entire record of such proceeding and a copy of his decision to the assistant regional commissioner of the region in which the basic permit was issued who shall take appropriate action in accordance with § 200.108.

#### SUBPART I—REVIEW

§ 200.115 *Appeal on petition to the Director, Alcohol and Tobacco Tax Division.* An appeal is not required prior to application to the Federal Courts for review. An appeal may be taken by the applicant or respondent to the Director, Alcohol and Tobacco Tax Division, from an examiner's decision suspending, revoking or annulling a permit or disapproving a renewal application, and from an order disapproving an initial application for a permit. Similarly, an appeal may be taken by the assistant regional commissioner from an examiner's decision. Such appeal shall be taken by filing a petition for review on appeal with the Director, Alcohol and Tobacco Tax Division, within 15 days of the service of the order or examiner's decision. The petition must set forth facts tending to show (a) action of an arbitrary nature, (b) action without reasonable warrant in fact, or (c) action contrary to law and regulations. A copy of the petition shall be filed with the assistant regional commissioner or served on the respondent, as the case may be. In the event of such appeal, the assistant regional commissioner shall immediately forward the complete original record, by registered mail, to the Director, Alcohol and Tobacco Tax Division, for his consideration and review.

§ 200.116 *Review by Director, Alcohol and Tobacco Tax Division.* The Director, Alcohol and Tobacco Tax Division, on appeal on petition for review, shall afford a reasonable opportunity for the submission of proposed findings, conclusions or exceptions with reasons in support thereof and an opportunity for



oral argument. He may alter or modify any finding of the examiner (or of the assistant regional commissioner in initial application proceedings) and may affirm, reverse, or modify the decision of the examiner (or of the assistant regional commissioner in initial application proceedings) or he may remand the case for further hearing, but he shall not consider evidence which is not a part of the record. Appeals and petitions for review shall not be decided by the Director, Alcohol and Tobacco Tax Division, in any proceeding in which he has engaged in investigation or prosecution, and in such event he shall so state his disqualification in writing and refer the record to the Commissioner for appropriate action. The Commissioner may designate an Assistant Commissioner or one of his principal aides to consider any proceeding instead of the Director, Alcohol and Tobacco Tax Division. The original copy of the decision on review shall be placed in the official record of the proceeding, a signed duplicate original shall be served upon the applicant or respondent and a copy shall be transmitted to the assistant regional commissioner. When, on appeal, the Director, Alcohol and Tobacco Tax Division, affirms the decision of the assistant regional commissioner or the examiner, as the case may be, disapproving an application or suspending, revoking or annulling a permit, such action shall not supersede the decision of the assistant regional commissioner or the examiner and such decision shall be final.

§ 200.117 *Permit privileges, exceptions.* Pending final determination of any timely appeal in revocation, suspension, annulment or renewal application proceedings to the Director, Alcohol and Tobacco Tax Division, the permit involved shall continue in force and effect except that, in the case of alcohol permits, any time after a citation has been issued withdrawals of alcohol or specially denatured alcohol by such permittee may, in the discretion of the assistant regional commissioner or Director, Alcohol and Tobacco Tax Division, be restricted to the quantity which, together with the quantity then on hand, is necessary to carry on legitimate operations under such permit. The assistant regional commissioner may, in restricting the permittee to his legitimate needs, refuse to issue any purchase or withdrawal permit.

§ 200.118 *Court review; permits under the Internal Revenue Code.* If an applicant or respondent desires to have a decision of the examiner, or a final order of the assistant regional commissioner or of the Director, Alcohol and Tobacco Tax Division, reviewed on appeal by the Federal court, the assistant regional commissioner or the Director, Alcohol and Tobacco Tax Division, upon notification that such an appeal has been taken shall have prepared in triplicate a complete transcript of the record of the proceeding. The assistant regional commissioner or the Director, Alcohol and Tobacco Tax Division, as the case may be, will certify to the correctness of such transcript of the record, forward one

copy to the attorney for the Government in the review of the case, and file the original record of the proceedings with the original certificate in the district court.

§ 200.119 *Court review; FAA permits.* If an applicant or respondent desires to have a decision of the examiner or a final order of the assistant regional commissioner, or the Director, Alcohol and Tobacco Tax Division, reviewed on appeal by the United States Circuit Court of Appeals, as provided by law, the Director, Alcohol and Tobacco Tax Division, upon notification of the filing of the petition for review, shall have prepared, in triplicate, a complete transcript of the record of the proceeding. The assistant regional commissioner or Director, Alcohol and Tobacco Tax Division, as the case may be, will certify to the correctness of the record and file the original certificate with the original record in the Circuit Court of Appeals.

#### SUBPART J—MISCELLANEOUS

§ 200.125 *Depositions.* The examiner may take or order the taking of depositions by either party to the proceeding at such time and place as he may designate before a person having the power to administer oaths, upon application therefor and notice to the parties to the action. The testimony shall be reduced to writing by the person taking the deposition, or under his direction, and the deposition shall be subscribed by the deponent unless subscribing thereof is waived in writing by the parties. Any person may be subpoenaed to appear and depose and to produce documentary evidence in the same manner as witnesses at hearings.

§ 200.126 *Subpoenas.* Where authorized by law, upon written application by a party to a proceeding, the attendance and testimony of any person, or the production of documentary evidence in proceedings instituted under this part may be required by personal subpoena (Form 1644) or by subpoena duces tecum (Form 1645). Application should be addressed to, and subpoenas should be issued by, the examiner before whom the proceedings are pending, but may be issued by the assistant regional commissioner or by the Director, Alcohol and Tobacco Tax Division, if the examiner is unavailable. Both the application and the subpoena shall set forth the title of the proceedings, the name and address of the person whose attendance is required, the date and place of his attendance and, if documents are to be produced, a description thereof; and the application must have reasonable scope and specify as exactly as possible the documents required, if any, and show their general relevance. Subpoenas shall be served in person. When issued on behalf of the United States, service shall be made by an officer, employee, or agent of the Treasury Department; when issued on behalf of a permittee or applicant, service shall be made by any person who is not a party to the proceeding and is not less than 18 years of age.

§ 200.127 *Witnesses and fees.* Witnesses summoned before the examiner

may be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

#### RECORD

§ 200.128 *What constitutes record.* The transcript of testimony, pleadings and exhibits, all papers and requests filed in the proceeding, together with all findings, decisions and orders, shall constitute the exclusive record. Where the decision rests on official notice of material fact not appearing in the record, the examiner shall so state in his findings and any party shall, on timely request, be afforded an opportunity to show facts to the contrary.

§ 200.129 *Availability.* A copy of the record shall be available for inspection by the parties to the proceedings during business hours at the office of the examiner or the assistant regional commissioner or, pending administrative review, at the office of the Director, Alcohol and Tobacco Tax Division. Copies of the record desired by the respondent or applicant may be purchased from the contract reporter, or, if the hearing was reported by a Government employee, a charge will be made for the copies at the lowest prevailing rates charged by public reporters in the region where the hearing is held, and in the case of photostats or copies of other documents in accordance with the provisions of Com-Mum. A. T. No. 719, dated January 3, 1952.

[F. R. Doc. 55-9771; Filed, Dec. 5, 1955; 8:49 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 226 ]

[Economic Regulations, Draft Release 78A]

#### FREE AND REDUCED-RATE TRANSPORTATION TO BOARD EMPLOYEES TRAVELING ON OFFICIAL BUSINESS

#### SUPPLEMENTAL NOTICE OF RULE MAKING

DECEMBER 1, 1955.

If the notice of proposed rule making on this matter, published in the FEDERAL REGISTER on November 9, 1955 (20 F. R. 8390), it was stated that the Board would consider all relevant matter in communications received on or before December 9, 1955. The Air Transport Association of America, acting on behalf of itself and its members, has requested the Board to extend the date by which comments must be filed for a minimum additional period of 14 days. This request was predicated upon the need for careful study of the subject proposal and a desire for mutual consultation between the managements of various interested airlines.

The draft release proposed to clarify the legal status of a voluntary offer,

## PROPOSED RULE MAKING

made by any air carrier engaged in interstate air transportation, to furnish free or reduced-rate transportation to Board personnel traveling on official business and also to include such personnel in the category of persons to whom preferential rate overseas or foreign air transportation may be furnished under the provisions of section 403 (b) of the act. Since these proposals are matters of substantial concern to the industry, the Board finds that the date presently set for return of comment should be extended to December 20, 1955.

Accordingly, the second sentence of the last paragraph of the aforementioned notice is amended to read as follows: "All relevant matter in communications received on or before December 20, 1955, will be considered by the Board before taking final action on the proposed rule."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 403, 404, 405, 52 Stat. 992, 993, 994; 49 U. S. C. 483, 484, 485)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 55-9779; Filed, Dec. 5, 1955;  
8:51 a. m.]

## DEPARTMENT OF AGRICULTURE

## Agricultural Research Service

## [ 7 CFR Part 52 ]

FROZEN GRAPE JUICE CONCENTRATE FOR GRAPE BEVERAGE<sup>1</sup>

## U. S. STANDARDS FOR GRADES

Subsequent to publication on October 20, 1954 (19 F. R. 6773) of a proposed United States Standards for Grades of Frozen Grape Juice Concentrate for Grape Beverage, views and arguments were received from interested persons indicating a need for further study relative to the proposed grade standards. After such study, this second notice is hereby given that the U. S. Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Grape Juice Concentrate for Grape Beverage pursuant to the authority contained in the Agricultural Marketing Act of 1946, (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not

<sup>1</sup> Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. The product covered by these standards is essentially sweetened concentrated grape juice usually with acid added but is generally marketed under the name "Frozen Concentrated Grape Juice."

later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

## PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

- Sec.  
52.2451 Product description.  
52.2452 Types of frozen grape juice concentrate for grape beverage.  
52.2453 Styles of frozen grape juice concentrate for grape beverage.  
52.2454 Grades of frozen grape juice concentrate for grape beverage.

## FILL OF CONTAINER

- 52.2455 Recommended fill of container.

## FACTORS OF QUALITY

- 52.2456 Ascertaining the grade and score for frozen grape juice concentrate for grape beverage.  
52.2457 Ascertaining the rating for the factors which are scored.  
52.2458 Color.  
52.2459 Defects.  
52.2460 Flavor.

## EXPLANATIONS AND METHODS OF ANALYSIS

- 52.2461 Definition of terms used in these standards.  
52.2462 Methods of analysis.

## LOT CERTIFICATION TOLERANCE

- 52.2463 Tolerances for certification of officially drawn samples.

## SCORE SHEETS

- 52.2464 Score sheet for frozen grape juice concentrate for grape beverage.

AUTHORITY: §§ 52.2451 to 52.2464 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

## PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.2451 *Product description.* Frozen grape juice concentrate for grape beverage is the frozen product of concentrated, unfermented juice obtained from sound properly matured, fresh grapes. The product is prepared from unfermented single-strength grape juice, which, with or without aging, or depectimization, is then concentrated. Single-strength grape juice, or a combination of single-strength grape juice and natural grape essence is then mixed to the concentrate and packed with the addition of nutritive sweetening ingredient and with or without ascorbic acid. Fruit acid may be added to adjust the flavor. The product is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.2452 *Types of frozen grape juice concentrate for grape beverage—*(a) *Type I.* Frozen grape juice concentrate for grape beverage prepared from grapes of the slip-skin varieties of the Concord type of the Labrusca species. Not less than 50 percent of the total soluble solids of the finished concentrate shall be derived from the grapes.

(b) *Type II.* Frozen grape juice concentrate for grape beverage (prepared from a single variety of grapes other than Concord type) Not less than 75 percent of the total soluble solids of the finished concentrate shall be derived from the grapes.

(c) *Type III.* Frozen grape juice concentrate for grape beverage prepared

from a mixture of Type I and Type II or a mixture of Type II varieties. Not less than 60 percent of the total soluble solids of the finished concentrate shall be derived from the grapes.

§ 52.2453 *Style of frozen grape juice concentrate for grape beverage.* Brix value of the finished concentrate (including added sweetening ingredient) shall be not less than the following for the respective dilution factor of frozen grape juice concentrate for grape beverage:

Dilution factor	Minimum Brix value of finished concentrate including added sweetening ingredient
	Degrees
1 plus 1.....	24.8
1 plus 2.....	35.5
1 plus 3.....	45.4
1 plus 4.....	54.5
1 plus 5.....	62.8
1 plus 6.....	70.7

§ 52.2454 *Grades of frozen grape juice concentrate for grape beverage.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen grape juice concentrate for grape beverage which reconstitutes properly and of which the reconstituted product possesses a good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen grape juice concentrate for grape beverage which reconstitutes properly and of which the reconstituted product possesses a reasonably good color; is reasonably free from defects; possesses a reasonably good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen grape juice concentrate for grape beverage that fails to meet the requirements of U. S. Grade B or U. S. Choice.

## FILL OF CONTAINER

§ 52.2455 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be filled with frozen grape juice concentrate for grape beverage as full as practicable without impairment of quality.

## FACTORS OF QUALITY

§ 52.2456 *Ascertaining the grade.* (a) The grade of frozen grape juice concentrate for grape beverage is ascertained by considering the factors of quality which are not scored and those which are scored as follows:

(1) *Factors which are not scored.* Ease of mixing into grape beverage.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:



Factors:	Points
Color .....	40
Defects .....	20
Flavor .....	40
Total score.....	100

(b) The scores for the factors of color, defects, and flavor are determined immediately after the beverage has been prepared by thoroughly mixing the frozen grape juice concentrate with a specific volume of water as directed by the manufacturer.

§ 52.2457 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.2458 *Color—(a) (A) classification.* Frozen grape juice concentrate for grape beverage of which the prepared beverage possesses a good color may be given a score of 34 to 40 points. "Good color" has the following meanings with respect to the types of frozen grape juice concentrate for grape beverage.

(1) *Type I.* A bright purple or bright reddish-purple color characteristic of a beverage properly prepared from Concord type grape juice and, in addition, the beverage prepared conforms to the following requirements:

Minimum absorbancy at 520 millimicrons .....	≥ 4.5
Minimum absorbancy ratio.....	≥ 2.0

\* Determined according to § 52.2462.

(2) *Types II and III.* A bright color characteristic of a beverage properly prepared from juice of any varietal type of varietal types of grapes from which prepared.

(b) *(B) classification.* If the prepared beverage possesses a reasonably good color a score of 28 to 33 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product, (this is a limiting rule) "Reasonably good color" has the following meanings with respect to the types of frozen grape juice concentrate for grape beverage.

(1) *Type I.* A purple or reddish-purple color characteristic of a beverage prepared from Concord type grape juice and which color may be slightly dull purple, slightly dull bluish-purple, or slightly dull reddish-purple but which is not off-color for any reason.

(2) *Types II and III.* A color that reflects to a reasonable extent the appearance characteristic of a beverage prepared from juice of any varietal type or varietal types of grapes from which prepared and which color may be slightly dull but not off-color for any reason.

(c) *(SStd.) classification.* Frozen grape juice concentrate for grape beverage that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2459 *Defects—(a) General.* The factor of defects refers to the degree of freedom from sediment and other residue, from tartrate crystals, from particles of skin, particles of seed, and from other defects.

(b) *(A) classification.* Frozen grape juice concentrate for grape beverage of which the prepared beverage is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than a slight amount of sediment and residue; is practically free from tartrate crystals; and is free from particles of skin, particles of seed, and from other defects.

(c) *(B) classification.* If the prepared beverage is fairly free from defects a score of 14 to 16 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product, (this is a limiting rule) "Reasonably free from defects" means that there may be present not more than a slight amount of sediment and residue; may possess a slight amount of tartrate crystals; may possess not more than a trace of particles of skin, particles of seed, and other defects.

(d) *(SStd.) classification.* If the prepared beverage fails to meet the requirements of paragraph (c) of this section a score of 0 to 13 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule)

§ 52.2460 *Flavor—(a) (A) classification.* Frozen grape juice concentrate for grape beverage of which the prepared beverage possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a fine distinct and normal flavor, typical of well-matured grapes for the variety or varieties and is free from any objectionable flavors and objectionable odors of any kind. To score in this classification the prepared beverage and concentrate shall meet the following additional requirements:

(1) *Type I—(i) Brix.* Not less than 13.0 degrees.

(ii) *Acid.* Not less than 0.40 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.

(iii) *Brix-acid ratio.* The ratio of Brix value to acid is not less than 20 to 1 nor more than 32 to 1.

(iv) *Concentrate.* Methyl anthranilate (naturally occurring)—not less than the following for the respective dilution factor of frozen grape juice concentrate for grape beverage.

Dilution factor	Minimum methyl anthranilate (naturally occurring) (mg./l.)
1 plus 1.....	0.4
1 plus 2.....	0.8
1 plus 3.....	1.2
1 plus 4.....	1.6
1 plus 5.....	2.0
1 plus 6.....	2.4

(2) *Types II and III—(i) Brix.* Not less than 19.0 degrees.

(ii) *Acid.* Not less than 0.40 gram per 100 milliliters nor more than 0.75 gram per 100 milliliters, calculated as tartaric acid.

(iii) *Brix-acid ratio.* The ratio of Brix value to acid is not less than 24 to 1 nor more than 40 to 1.

(b) *(B) classification.* If the prepared beverage possesses a fairly good flavor a score of 28 to 33 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule) "Reasonably good flavor" means a reasonably typical flavor of reasonably well matured grapes for the varietal type or varietal types and is free from objectionable flavors and objectionable odors of any kind. To score in this classification the prepared beverage shall meet the following additional requirements:

(1) *Type I—(i) Brix.* Not less than 13.0 degrees.

(ii) *Acid.* Not less than 0.30 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.

(iii) *Brix-acid ratio.* The ratio of Brix value to acid is not less than 18 to 1 nor more than 36 to 1.

(2) *Types II and III—(i) Brix.* Not less than 18.0 degrees.

(ii) *Acid.* Not less than 0.30 gram per 100 milliliters nor more than 0.75 gram per 100 milliliters, calculated as tartaric acid.

(iii) *Brix acid ratio.* The ratio of Brix value to acid is not less than 22 to 1 nor more than 42 to 1.

(c) *(SStd.) classification.* If the frozen grape juice concentrate for grape beverage fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule)

#### EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.2461 *Definition of terms used in these standards.* (a) "Brix" means the degrees Brix of the reconstituted grape beverage when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) If used in testing grape beverage at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of grape beverage may be determined by any other method which gives equivalent results.

(b) "Acid" means the grams of acid (calculated as tartaric acid) per 100 milliliters of the reconstituted grape beverage determined by titration with standard sodium hydroxide solution using phenolphthalein as an indicator.

(c) "Brix-acid ratio" means the ratio between the degrees Brix as determined

in this section and the acid in grams per 100 milliliters of reconstituted grape beverage.

(d) "Dilution factor" is the ratio of the volumes of water to the volume of concentrate. This factor is provided by the manufacturer's directions for preparing the desired grape beverage (i. e., 3 plus 1 implies 3 volumes of water to 1 volume of concentrate)

(e) "Absorbancy ratio" means the ratio of absorbancy reading at 520 millimicrons to the absorbancy reading at 430 millimicrons.

§ 52.2462 *Methods of analysis*—(a) *Methyl anthranilate*—(1) *Reagents*. (i) Hydrochloric acid—dilute 81 milliliters (ml.) of HCl to 100 ml. with H<sub>2</sub>O.

(ii) Sodium nitrite solution—dissolve 3 grams (gm.) of NaNO<sub>2</sub> in 200 ml. of H<sub>2</sub>O.

(iii) Hydrazine sulfate solution—dissolve 5 gm. of N<sub>2</sub>H<sub>4</sub>·H<sub>2</sub>SO<sub>4</sub> in 200 ml. of H<sub>2</sub>O.

(iv) Sodium carbonate solution—dissolve 50 gm. of Na<sub>2</sub>CO<sub>3</sub> in 150 ml. of H<sub>2</sub>O.

(v) Sodium - a - naphthol-2-sulfonate solution—dissolve 4.7 gm. of the sulfonate in 100 ml. of H<sub>2</sub>O.

(vi) Standard solution of methyl anthranilate—dissolve 0.25 gm. of methyl anthranilate in 60 ml. of 95 percent ethyl alcohol and dilute with H<sub>2</sub>O to 500 ml.

(2) *Apparatus*. Modified Pregl Micro Kjeldahl distilling apparatus (steam distilling apparatus, catalogue No. 22500, Central Scientific Co., Chicago, Ill., or equal, may be used)

(3) *Standard curve*. (i) Dilute 20 ml. of standard solution of methyl anthranilate to 1 liter with H<sub>2</sub>O (equivalent to 10 micrograms per ml.)

(ii) Prepare series of solution for standard curve by transferring 0-5 ml. of solution (i) into 100 ml. volumetric flask. Dilute to ca. 80 ml. with H<sub>2</sub>O.

(iii) Then add as follows:

(a) 1 ml. HCl and 1 ml. sodium nitrite solution. Let stand 2 minutes.

(b) 3 ml. hydrazine sulfate solution. Let stand 1 minute.

(c) 2 ml. sodium-a-naphthol-2-sulfonate solution.

(d) Immediately add 3 ml. sodium carbonate solution, dilute to 100 ml. volume with H<sub>2</sub>O, let stand 10 minutes.

(e) Read absorbancy at 490 millimicrons, in a spectrophotometer or colorimeter, against a blank, carried through entire procedure, set at zero absorbancy.

(iv) Plot standard curve of concentration (microgram per 100 ml. of final solution) of methyl anthranilate against absorbancy of solutions.

(4) *Determination*. Use a 100 ml. volumetric flask as receiver. Add 5 ml. of water to just cover or seal end of extended condenser tube. Transfer 15-25 ml. of sample concentrate into distillation flask. Collect about (ca.) 80 ml. of distillate. Treat as under subparagraph (3) (iii) of this paragraph. Obtain concentration (micrograms/100 ml. of final solution) of methyl anthranilate from standard curve, (see subparagraph (3) (iv) of this paragraph)

mgs. liter of concentrate	microgram 100 ml. of final solutions ml. of sample taken
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(b) *Absorbancy and absorbancy ratio*. Absorbancy and absorbancy ratio shall be obtained as follows:

(1) The concentrate shall be diluted at 25 degrees C., using MacIlvaine's pH 3.2 buffer as the liquid.

(2) 5 ml. aliquot of diluted sample shall be further diluted to 100 ml. with MacIlvaine's pH 3.2 buffer.

(3) Filter 50 ml. of solution through sintered glass crucible 4-cm. diameter, 4.5-cm. height, medium porosity.

(4) Read absorbancy of filtrate on a spectrophotometer at 520 millimicron wavelength with a 0.05 mm. width slit and at 430 millimicron wavelength with a 0.025 mm. width slit.

Absorbancy =  $2 - \log T$ , where  $T$  = percentage transmittancy

Corrected absorbancy = observed absorbancy  $\times \frac{20}{\text{thickness of cell in cm.}}$

Absorbancy ratio =  $\frac{\text{corrected absorbancy at 520 millimicrons}}{\text{corrected absorbancy at 430 millimicrons}}$

#### LOT CERTIFICATION TOLERANCES

§ 52.2462 *Tolerances for certification of officially drawn samples*. (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen grape juice concentrate for grape beverage the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

#### SCORE SHEET

§ 52.2463 *Score sheet for frozen grape juice concentrate for grape beverage*.

Size and kind of container		
Container mark or identification		
Label (including dilution factor)		
Net contents (fluid ounces)		
Type (Concord, other, blended)		
Brix of the reconst. beverage		
Acid (as tartaric) grams/100 ml.		
Brix-acid ratio		
Factors	Score points	
Color	40	(A) 34-40 (B) 28-33 (SStd.) 10-27
Defects	20	(A) 17-20 (B) 14-16 (SStd.) 10-13
Flavor	40	(A) 34-40 (B) 28-33 (SStd.) 10-27
Total score	100	
Grade		

<sup>1</sup> Indicates limiting rule.

Dated: December 1, 1955.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F. R. Doc. 55-9751; Filed, Dec. 5, 1955;  
8:46 a. m.]

### INTERSTATE COMMERCE COMMISSION

[49 CFR Part 125]

RAILROAD ACCIDENTS; REPORTS AND  
CLASSIFICATION

MONTHLY REPORTS

DECEMBER 1, 1955.

Notice to all Common Carriers within the scope of the Accident Reports Act, approved May 6, 1910.

The Commission having under consideration the Rules Governing the Monthly Reports of Railway Accidents, effective by its Order of December 31, 1921, as amended, has approved the revised rules set forth below. An appendix listing the causes and codes to be used in classifying railroad accidents will be provided when the revised rules are printed.

Any interested party may, on or before 30 days after the date of this notice, file with the Commission a written statement of reasons why the rules set forth below should not be made effective, and may request oral argument thereon. Unless otherwise decided, after consideration of objections so filed, an order will be entered making them effective January 1, 1956.

[SEAL] HAROLD D. MCCOY,  
Secretary.

RULES GOVERNING MONTHLY REPORTS OF  
RAILROAD ACCIDENTS

#### AUTHORITY

These rules are issued by authority of the Accident Reports Act approved May 6, 1910, section 1 of which requires "that it shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate or foreign commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, District of Columbia, a monthly

report under oath, of all collisions, derailments, or other accidents resulting in injury to persons, equipment, or roadbed arising from the operation of such railroad under such rules and regulations as may be prescribed by the said Commission, which report shall state the nature and causes thereof and the circumstances connected therewith."

#### PURPOSE

The purpose of reporting accidents arising from the operation of a railroad to this Commission is to carry out the intent of the Congress as expressed in the Accident Reports Act approved May 6, 1910, namely, the disclosure of the hazards inherent in the provision of common carrier transportation by railroad insofar as such disclosure may appear from accident experience. Accident reporting, therefore, being in the interest of the remedial and regulatory process, its requirements apply exclusively to collisions, derailments, and other accidents arising from the actual operation of a railroad.

#### GENERAL INSTRUCTIONS

1. *Definition of "arising from the operation of a railroad"* The term is limited to the physical operation and maintenance of equipment, track, and roadbed of a railroad and includes only the:

(a) Operation of trains, locomotives, or cars.

(b) Transportation in railroad cars of persons, freight, mail, baggage, express, or other material including loading and unloading of such cars.

(c) Any necessary handling and care, by railroad employees, of persons and lading on cars in transit.

(d) Work performed on railroad property (except as indicated in section 5 (a)) by railroad employees who in the course of their regular duty are engaged in the operation, construction, servicing, or maintenance of existing lines, as follows:

(1) Construction, servicing, or maintenance of locomotives or cars or of any of the facilities used for doing this work.

(2) Construction, installation, or repair of tracks or roadbed or of any of the facilities used for doing this work.

(3) Construction, installation, servicing, or maintenance of signal structures or equipment including highway crossing protection or of any of the facilities used for doing this work.

(4) Construction, installation, servicing, or maintenance of communication structures or equipment or of any of the facilities used for doing this work.

(5) Construction, installation, servicing, or maintenance of other fixed railroad structures, including signs, under, over, or beside tracks.

(6) Physical operation of all railroad facilities and equipment which includes those acts which are performed in and about freight houses and passenger stations (including the loading and unloading of cars) yard offices, car dumpers, or storehouses or any other facilities used for providing railroad service.

2. *Definition of "accidents"* (a) An accident is an occurrence arising from a collision, derailment or other happening incurred in the physical operation of a railroad as herein defined in section 1 above.

(b) The Accident Reports Act requires the reporting of collisions, derailments or other accidents resulting in injury to persons, equipment or roadbed, arising from the operation of a railroad. As used in the act, the term "other accidents" requires that said accidents should include only such accidents as involve the physical movement and maintenance of trains, locomotives, or cars, and the maintenance and use of tracks and roadbed.

(c) An "accident" as herein used which results in external or internal injury to a person presupposes an occurrence, such as a blow, impact of a locomotive, car, machinery, equipment, tool, material or other object, a slip, a trip or fall, or any mishap, usually unforeseen, resulting from an action arising in the operation of a railroad as defined in section 1 above.

(d) The act makes clear that "accident" and "injury" are not synonymous terms, and, therefore an injury must be the result of an accident, or in other words, some physical agency arising from the operation of a railroad as herein defined in section 1 above must inflict injury as defined in paragraph 2 (c) above.

3. *Occurrences not to be classed as "Accidents Arising from the Operation of a Railroad"* (a) In the absence of any such mishap as mentioned in section 2 (c) the application of physical exertion alone shall not be classed as an accident.

(b) Disability through aggravation of an unfavorable physical condition in connection with a mishap as defined in section 2 (c) shall not be classed as a reportable accident if all of the evidence is nonconflicting and clearly indicates that such mishap of itself would have been insufficient to cause reportability.

(c) Disability resulting alone from the accentuation of an unfavorable physical condition, in the absence of a mishap, shall not be classed as an accident.

(d) Disability resulting from illness or disease shall not be classed as an accident.

(e) Disability representing the cumulative effect of repetitive use of tools or appliances or repetitive exposure to the elements or to chemicals, fumes, gases and the like, shall not be classed as an accident. This limitation does not apply to disability arising from a single exposure to chemicals, fumes, gases and the like.

(f) Disability resulting from contact with animals, insects, reptiles, poisonous weeds or leaves, or like objects not arising from the operation of a railroad as herein defined in section 1 above.

(g) Occurrences determined to be suicides by a coroner or other public authority.

4. *"Accidents" to be reported.* A reportable accident is an accident arising from the operation of a railroad as

herein defined in section 1 above that results in one of more of the following circumstances:

(a) Death of a person: A death resulting from an accident within 24 hours following its occurrence is reportable as a fatality; if death occurs after the expiration of the 24-hour period, the casualty is reportable as an injury and also as a subsequent fatality.

(b) Injury to an employee sufficient to incapacitate him from performing fully and acceptably and without extra assistance all of the duties customarily included in the assignment of the employee at the time of injury for more than three days (72 hours) in the aggregate during the ten days (240 hours) immediately following the accident. This rule applies to employees on duty, and to those classed as not on duty, but does not apply to employees classed as passengers or trespassers.

Incapacitation, which includes Sundays, holidays, and lay-off days, begins: Whenever the pain or inconvenience resulting from the accident becomes so serious that it would prevent the injured person from performing all of his duties whether or not there is necessity or opportunity for him to do so at the time, and

Incapacitation ends: Whenever the injured person has recovered sufficiently to be able to resume performance of all of his duties whether or not there is necessity or opportunity for him to do so at the time.

(c) Injury to a person other than an employee if the injury is sufficient to incapacitate the injured person from following his customary vocation or mode of life for a period of more than one day. This rule applies also to employees classed as passengers or trespassers.

(d) Damage to equipment, tracks, and roadbed amounting to more than \$750 which also results in a reportable casualty, a collision, or a derailment.

When there is uncertainty as to the extent of disability, all the circumstances surrounding an injury will be thoroughly investigated, including any medical attention rendered, which will be submitted to the chief medical officer of the carrier, and in the light of all such circumstances and medical attention the professional opinion of the chief medical officer will govern the determination and duration of physical incapacitation under these rules.

An accident to be reportable must be established directly or indirectly as having occurred at a specified place and date.

5. *"Accidents" not to be reported.* (a) No accident shall be considered as arising from the operation of a railroad as herein defined in section 1 above which occurs off owned or leased railroad property or on that part of railroad property not directly used in transportation, except when occurring in train or switching operations by a reporting carrier on industrial or private premises, or on public or private property adjacent to the railroad right-of-way which is caused by an agency arising from the operation of a railroad on railroad property.

(b) No accident resulting in damage to property or a personal casualty is reportable if it arises from some agency located either on or off railroad premises which agency is not an employee then engaged in, or a part of the railroad used in, transportation. However, any resultant collision or derailment which causes a reportable casualty or damage of more than \$750 to a moving train, locomotive, or car must be considered as arising from the operation of a railroad as herein defined in section 1 above.

(c) No accidents and resulting casualties are reportable when caused by an extraordinary force of nature as defined by the United States Weather Bureau (for example, such as floods, earthquakes, hurricanes, tornadoes, and electrical storms). However, any resultant collision or derailment which causes a reportable casualty or damage of more than \$750 to a moving train, locomotive, or car must be considered as arising from the operation of a railroad as herein defined in section 1 above.

(d) The consequences of horseplay or assault by persons upon one another on railroad trains or on that part of a railroad used in transportation are not considered as arising from the operation of a railroad as herein defined in section 1 above.

(e) Unless caused by moving trains, locomotives, or cars, or the action of railroad employees on duty engaged in the operation of a railroad as herein defined in section 1 above, accidents to all classes of non-employees either lawfully or unlawfully on railroad property are not reportable, except accidents resulting in casualties to passengers boarding or alighting from passenger trains at passenger stations.

(f) Accidents at highway or street crossings, or on parts of highways within railroad right-of-way, not involving the presence or operations of trains, locomotives, cars, track cars, or similar equipment and not involving employees then engaged in the operation of a railroad as herein defined in section 1 above.

(g) Accidents in or about living quarters not arising from the operation of a railroad as herein defined in section 1 above.

6. *Doubtful cases.* The reporting officer of a railroad will ordinarily determine the reportability or nonreportability of a casualty after an examination of all the evidence available to the railroad. The Commission, however, cannot delegate authority to private parties to decide matters of judgment where facts are in dispute. In all such instances, the decision must be that of the Commission alone. The reporting railroad may directly request a ruling as to reportability or it may report the case as "claimed but not admitted by carrier." These cases are given special examination by this Commission. Facts stated by a railroad which tend to refute the claim of an injured person are given consideration. When all the facts available to the Commission are found to be insufficient to prove the claim, the case will not be allocated to the reporting railroad. Such cases will be eliminated from the I. C. C. records and the reporting officer of the

carrier advised of the action taken in the matter.

7. *Joint operations.* "Joint operations" is a term intended to cover operations conducted on terminal or other tracks used jointly or in common by two or more reporting carriers, or where the equipment of one carrier moves as its own train over the track of another carrier.

Locomotives, with or without crews, if loaned or leased by one carrier to another, are not thereby made subject to the rules relative to "joint operations."

Trains or locomotives of a nonreporting carrier which may become involved in reportable accidents on the line of a reporting carrier do not fall under the rules pertaining to "joint operations"; such accidents, however, should be included in the report of the reporting carrier.

If a reportable accident occurs on a private siding or track of like character, it should be reported by the carrier having possession of the locomotive concerned or employing the persons involved, but not as a joint-operation accident.

The question of responsibility among carriers for accidents classifiable under the rules applicable to joint operations is not to be considered in relation to the making of reports concerning them, but all carriers involved should make reports as respectively required.

(a) Train accidents resulting in casualties and damage to equipment, track, or roadbed, in excess of \$750 or collisions and derailments with damage to equipment, track, or roadbed in excess of \$750, occurring on tracks used by two or more reporting carriers should be severally reported by the carrier or carriers whose equipment or employees are involved and the carrier whose superintendent is in immediate charge of the track on which the accident occurs. Each carrier concerned in such an accident should report the casualties, if any, and the damage to its equipment and other items of expense as provided in the report form and state (estimating, if unknown) the casualties, if any, and the amount of damage sustained by the other carriers involved, the names of which should be respectively indicated before casualties and the items of damage.

If a reportable train accident, though occurring on jointly used track, involves only the equipment and employees of the carrier whose superintendent is in immediate charge of such track, the accident need be reported only by the carrier concerned.

(b) Train-service accidents occurring on terminal or other tracks used jointly or in common by two or more reporting carriers involving employees on duty should be reported by each of the carriers concerned. Casualties to other persons should be reported by the carrier whose equipment is involved.

(c) Casualties to railroad employees on an adjacent track of another railroad should be reported by both railroads, whether or not a joint operation is involved.

(d) In all cases involving joint operation, whether one or more trains are

involved, each carrier will be allocated casualties to all persons on its own train. Casualties to employees not on train, whether on or off duty, will be allocated to the employing railroad. Casualties to all other classes of persons not on train will be allocated to the railroad on whose tracks the accident occurred.

#### CLASSIFICATION OF RAILROAD ACCIDENTS

8. *Primary groups and their definitions.* Reportable railroad accidents are divided into three groups which are:

- Group I. Train accidents,
- Group II. Train-service accidents, and
- Group III. Nontrain accidents.

*Group I.* Train accidents are those arising directly from the operation or movement of trains, locomotives, or cars which result in:

(1) A reportable casualty with more than \$750 damage to equipment, track, or roadbed;<sup>1</sup> or

(2) Collisions or derailments with more than \$750 damage to equipment, track, or roadbed.<sup>1</sup>

*Group II.* Train-service accidents are those arising directly from the operation or movement of trains, locomotives, or cars which result in a reportable casualty but not more than \$750 damage to equipment, track or roadbed.<sup>1</sup>

*Group III.* Nontrain accidents are those which do not result directly from the operation or movement of trains, locomotives, or cars. They include those specific reportable casualties resulting from movements of locomotives or cars made by shop employees on shop tracks as well as all reportable casualties that occur where no locomotive or car operation or movement was involved but which are includible under section 1.

#### GROUP I—TRAIN ACCIDENTS

9. Train accidents should be classified as:

(a) A collision (class C) which is a violent impact of a train, locomotive, or car with some other train, locomotive, or car while both are on rails. Accidents, however, in which cars, not in suitable condition to withstand common train usage, that, when coupled in trains, may be damaged through ordinary train movements, should be classified as other train accidents, and not as collisions. (Accidents caused by trains, etc., striking bumping posts, or track motor cars and like roadway machines not equipped with A. A. R. couplers except when operating under train rules and subject to the protection afforded to trains, are not classifiable as collisions.)

Reports of collisions, in addition to furnishing the information required by sections of these rules having general application, should describe briefly the method of operation in use for the track involved, stating whether a signal system was in use, and, if in use, whether it was manual, controlled manual or automatic block; interlocking or C. T. C., cab signals or automatic train control.

For collisions involving any question of train orders, the information should show whether they were on Form "19" or

<sup>1</sup>Excluding cost of clearing wreck.

Form "31" (A. A. R. Standard Code of Train Rules)

In the case of a collision, the number of main tracks in use in the locality of the accident should be stated.

Collisions should be classified as follows:

(1) Rear-end collisions: A rear-end collision is a collision in which the trains or locomotives involved are bound in the same direction on the same track. Collisions in which all of the equipment involved is employed in a switching movement are to be included in 9 (a-7)

(2) Head-on collisions: A head-on collision is a collision in which the trains or locomotives involved are bound in opposite directions on the same track.<sup>2</sup> Collisions in which all of the equipment involved is employed in a switching movement are to be included in 9 (a-7)

(3) Broken-train collisions: A broken-train collision is a collision in which a moving train breaks into parts and a violent impact of two or more of the uncoupled parts of the same train occurs, or one or more of the parts collide with another train, locomotive, or car. Collisions in which all of the equipment involved is employed in a switching movement are to be included in 9 (a-7)

(4) Side or raking collisions: This class does not include collisions of trains with cars classifiable under 9 (a-6) or collisions of equipment employed in switching movements classifiable under 9 (a-7). An accident caused by parts of equipment on one track coming in contact with equipment on a separate track as a result of a derailment should be classified as a derailment while one due to bulging equipment or improper loading of cars, unless a derailment occurs, should be classified as an other train accident.

(5) Crossing collisions at railroad crossings: The term "crossing collisions at railroad crossings" is used herein to mean collisions occurring at crossings or junctions involving trains, locomotives, or cars operated on intersecting tracks.<sup>3</sup> This class does not include accidents due to striking automobiles or other highway vehicles.

(6) Collisions of trains with cars not in trains: This class does not include collisions of trains with cars, operating under train rules and subject to the protection afforded to trains, which should be classified as (1) (2) (3) (4) or (5) in accordance with the circumstances of the particular cases.

(7) Switching collisions: The term "switching collisions" is used herein to mean collisions occurring to equipment being switched, as in making up or breaking up trains, shifting or setting

out cars, etc., including accidents to locomotives involved in such service. A collision should not receive this classification when two or more locomotives, trains, or cuts of cars are involved unless both or all such units of equipment are employed in switching movements at the time of accident, but it should be classified as 9 (a-1), 9 (a-2), 9 (a-3), 9 (a-4), 9 (a-5), 9 (a-6) or 9 (a-8), in accordance with the circumstances of the particular case.

(8) Collisions not elsewhere classifiable: This class includes collisions between light locomotives moving to or from enginehouse or servicing facilities, and other collisions not elsewhere classifiable but does not include collisions between locomotives and cars when engaged in switching movements as described in paragraph 9 (a-7)

(b) A derailment (class D) is a failure of the tread of any wheel of a locomotive or car to set on the rail of the track the locomotive or car is intended to be on. (Does not include derailments of track motor cars and like roadway machines not equipped with A. A. R. couplers.) In reporting derailments the information required by provisions of these rules having general application should be furnished, and there should be indicated in particular, by initials and number, or name, the equipment causing the derailment.

If a derailment is the result of a public highway grade-crossing accident, a supplement to a Form T, in addition to a Form T, should be supplied.

If a derailment is the result of the breaking of a rail, a Form R, in addition to a Form T, should be supplied.

(c) Other train accidents (class O) include all train accidents other than collisions and derailments.

If any such other train accident is the result of a public highway grade-crossing accident, a supplement to a Form T, in addition to a Form T, should be supplied.

#### GROUP II—TRAIN-SERVICE ACCIDENTS

10. Train-service accidents (class S) include all other accidents of trains.

If a train-service accident is the result of a public highway grade-crossing accident, a supplement to a Form T, in addition to a Form T, should be supplied.

#### GROUP III—NONTRAIN ACCIDENTS

11. Nontrain accidents should include those casualties which are outlined above in section 8. The classification of persons to whom reportable casualties occur in nontrain accidents and the classification of such accidents should be in accordance with the "Instructions" given in "Form V"

#### FORM AND ARRANGEMENT OF REPORTS

12. Forms used and duplicate reports. Monthly reports of railroad accidents should be made on forms provided by the Interstate Commerce Commission or on forms identical therewith in arrangement, size, and in color and weight of paper, and every reporting carrier is required to retain in its files a duplicate of each report rendered to the Commission. For the reporting railroads' files,

this duplicate should also show the name or names of the casualty or casualties reported and the precise location at which the accident occurred.

The forms provided, which are of five kinds, are designated as Form V T, Supplement to T, R, and F.

Each sheet of each report should show in the appropriate place the name of the company for which it is filed, the month and year to which the report relates, and all other particulars called for by the form. Each sheet of each report following Form V should bear the autograph signature of a responsible officer or employee.

13. Form V (verification). A report should be made on this form each month, even though no reportable (train, train-service, or nontrain) accident occurred during the month covered. Such report should include an oath or verification, made by the proper officer of the reporting carrier, as provided for attestation on Form V, which should show the number of train and train-service accidents that occurred during the month for which the report is made, and the number of sheets, inclusive of Form V. If no reportable accident occurred during the month, that fact should be stated on this form. Form V should also show the total number of locomotive and motor-train miles run during the month, computed in accordance with Train-Mile, Locomotive-Mile and Car-Mile accounts in the Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission. If any reportable nontrain accidents occurred during the month, they should be reported in the tables provided on Form V but if none occurred, that fact should be stated as required.

14. Form T (train and train-service accidents). A separate Form T sheet should be used for each reportable train accident or train-service accident and should show the required particulars concerning the accident.

Information called for by each of the questions shown on T sheets should be supplied except in the instance of questions the answers to which would not be significant in which case the space provided for the answer should be blanked out.

15. A supplement to each Form T sheet also should be used for each reportable:

(a) Derailment due to highway grade-crossing accident.

(b) Other train accident due to a highway grade-crossing accident.

(c) Train-service accident due to a highway grade-crossing accident.

16. Form R (rail failures). In case of reportable train accidents resulting from rail failures, particulars of the failures should be reported on Form R, and all the information called for on that form should be furnished additionally to that required on Form T.

17. Form F (subsequent fatalities). If, as the result of an injury, a person dies more than 24 hours after the occurrence of the accident the casualty should be reported as an injury and, in addition, a memorandum of the death should be given on Form F in accordance with the requirements of that form. This ad-

<sup>2</sup> The time-table or schedule direction should govern the classification of collisions in classes 9 (a-1) and 9 (a-2) if at the time of the accident either of the trains or locomotives is at rest, or if its incidental movement temporarily differs from its schedule direction.

<sup>3</sup> Crossing collisions covered should be reported by each carrier affected. Casualties to persons and items of damage should be reported in the same manner as described in connection with "joint operation" accidents.



ditional report is to be made in connection with the report for the month in which the accident occurred, if practicable, otherwise it should separately accompany the first monthly report filed after the death has come to the knowledge of the carrier. A single Form F may contain reports of more than one such fatality, provided all persons included therein were injured during the same month.

18. *Classification symbols.* Symbols indicating the class of train accidents or of train-service accidents and the class of persons involved should be entered in the appropriate spaces on Form T as follows:

Class of accident: Sheets carrying reports of collisions are to be marked C; those relating to derailments, D; those relating to other train accidents, O; and those relating to train-service accidents, S.

Class of person: The designation of the class of person should include the applicable capital letter preceding the name of the class, to which should be added the number of the "Reporting Division" with such other descriptive detail as may be appropriate.

19. *Arrangement and numbering of sheets.* All the forms in a monthly report should be arranged in the order V, T, R, and F. Supplements to T sheets should follow the T sheet to which each refers. All Forms T should be further grouped in accordance with the character of the accidents and arranged in the order C, D, O, and S. Collisions should be subgrouped in order by subclasses; as, for example, all of C-1, followed by all of C-2, followed in turn by all of C-3, etc., throughout the series. All sheets are to be numbered consecutively, beginning with No. 1 for Form V each month. When properly arranged and numbered, all sheets, including Form V should be securely fastened.

In no case should the report for any month include a Form T sheet completed for an accident that did not occur during the month covered by the report. Should it be discovered by a carrier that the report of a particular accident on a Form T has, through mistake or otherwise, been improperly omitted from its regular monthly accident report, the sheet covering such accident should be separately transmitted to the Bureau of Transport Economics and Statistics, with a suitable letter of explanation.

#### PARTICULARS TO BE REPORTED

20. *General.* The codes shown in the index have been designed, so far as that is practicable, to indicate the primary causes of the accidents reported. As to each specific reportable accident, the Reporting Officer should first examine all the evidence available to the railroad from which he should determine the cause of accident. He will, except in those instances referred to in the following paragraph, then find the number of the code which should be used listed under the alphabetical index of causes. The code number there shown should be entered on the Form T sheet to be sent to the Interstate Commerce Commission.

In instances where the specific cause of an accident cannot be found in the index, the code number of that particular miscellaneous cause which most nearly corresponds with the details of the particular accident being reported should be used. The miscellaneous causes will be found in the Supplementary Index.

In addition to reporting the number of the code under which each accident should be classified, the Reporting Officer should supply sufficient information to not only enable the Interstate Commerce Commission to verify the code number selected but also to classify all other data called for as they pertain to each of the accidents reported.

21. *Yard.* A system of tracks within defined limits provided for the making up or breaking up of trains, for the storing of cars, and for other purposes over which movements not authorized by timetable, or by train order, may be made, subject to prescribed signals and rules or under special instructions.

22. *Train, locomotives and cars.* For the purpose of reporting railroad accidents, a train is defined as a unit of equipment, or a combination of units of equipment (exclusive of light locomotives) in condition for movement over tracks by self-contained motor equipment. A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A light locomotive is a locomotive in condition for movement by its own motor equipment, uncoupled to cars, work equipment, or dead locomotives. A motor car is a self-propelled unit of equipment designed to carry freight or passenger traffic, and is not to be considered a locomotive. (Train or train-service accidents may result from the movement of cars without the use of a locomotive.) Track motor cars and like roadway machines not equipped with A. A. R. couplers are not regarded as "cars" within the meaning here used.

In reporting accidents involving trains, locomotives, or cars, sufficient particulars should be given to show definitely to which of the four classes of service described below the equipment was assigned. Definite information is required in this respect and descriptive terms of local application, such as "milk" "transfer" "mine" etc., should not be used to designate classes of trains. In connection with this matter, a light engine involved in an accident should be classified as belonging to that class of service to which its assignment at the time of the accident was related.

(a) *Transportation service:* Freight includes trains run between terminals or stations containing loaded or empty freight-train cars and trains consisting of a locomotive and caboose running light in connection with such service. Trains which contain passenger-train cars shall be classed as freight trains whenever the number of freight-train cars is in excess of the number of passenger-train cars in them.<sup>4</sup>

(b) *Transportation service:* Passenger includes trains run between termi-

nals or stations containing loaded or empty passenger-train cars. Trains which contain freight-train cars shall be classed as passenger trains whenever the number of passenger-train cars is in excess of the number of freight-train cars in them.<sup>4</sup>

(c) *Work service* includes nonrevenue trains run in the administration and upkeep service of the railroad, such as official trains, inspection trains, pay trains, special trains running with company fire apparatus to save the railroad's property from destruction, and trains run for the purpose of transporting the railroad's employees to and from work when no transportation charge is made; wrecking trains; construction and upkeep trains run in connection with maintenance and improvement work, the cost of operating such trains being chargeable to the appropriate capital or maintenance accounts for rail-line operations; and material and supply trains run in connection with operation.

Work service trains do not include solid fuel trains and other freight trains laden with company material and running from station to station under the same operating conditions as ordinary revenue freight trains.

(d) *Yard service* includes the handling of equipment being switched or used in switching other equipment, as for example, in making up or breaking up trains, serving industrial tracks, storing, weighing, or classifying cars, and other like operations. Operations incidental to a road run when performed by a road train crew are not included.

When significant, state the number of cars in the train; where and when locomotives, cars, and brakes were last inspected; and under what orders the train was moving and what were its rights of track at the particular time and place of the accident.

23. *Negligence of employees.* All of the codes of causes numbered between 1000 and 1999, and some but not all of those numbered between 6000 and 6999, refer to those situations in which it is known that the direct or immediate cause of the train or train-service accident was the negligence, mistake, or misconduct of railroad employees. These include such matters as, for example, improper handling of switches, misunderstanding of or error in giving signals, excessive speed in violation of instructions, failure of trackmen to protect while replacing rails, etc.

All of the codes of causes not specifically referred to in the preceding paragraph refer to those situations in which it is known that the direct or immediate cause of the accident was not the negligence, mistake, or misconduct of railroad employees. In these instances there may or may not be present an indirect negligence of railroad employees which contributed to the accident. These include such matters as, for example, the failure of inspectors or maintenance men to discover defects in equipment, track, and roadbed. Because a complete knowledge of these matters cannot be acquired, it is not practicable to place such accidents in usable categories which would indicate contributory negligence. There-

<sup>4</sup>Passenger-equipped box or refrigerator cars are counted as passenger-train cars.



fore they should be reported in their proper codes as defects.

There is another form of contributory negligence which is brought about by a prior direct negligence. For example, the prior negligence of a first crew in running through a switch may be the contributing cause of a following train being derailed. But to the crew of the following train, this accident was due to a defective switch and not necessarily its own negligence. Such an accident should be reported under the proper one of the cause codes which go to defective track.

**24. Defective equipment.** All of the codes of causes numbered 2000 to 2999, and some but not all of those numbered between 6000 and 6999, refer to those situations in which it is known that defects in or failure of equipment were the direct or immediate cause of the train or train-service accident. The report should show, whenever significant, details as to:

Number and initials of locomotive or car.

Manufacturer and type of equipment or part.

Weight, number and other identifying marks.

Year of manufacture and year of placing in service.

When, where, and by what class of employees the equipment was last inspected, whether any defects were noted, and, if any, what remedies were applied.

The following relates to explanation of certain specific codes:

(a) On locomotives other than steam, Code 2110, relates only to fires in wiring connecting electrical apparatus. Fires within electrical apparatus should be listed under the respective kinds of electrical equipment involved (see Codes 2103 to 2107, inclusive).

(b) Fires caused by steam generating boiler or appurtenances should be coded under that equipment in Code 2109 and not in Code 2112.

(c) Body center plate should be coded in Code 2212 along with truck center plate and not in car structure Code 2703.

(d) Body side bearings should be coded in Code 2215 and not in Code 2703.

(e) Modified friction type journal bearing assemblies, referred to in Codes 2206, 2319, and 2322, are intended to cover all forms of improvements in A. A. R. standard oil and waste friction bearing assemblies which utilize the friction bearing, (as contrasted with roller bearings, Codes 2207, 2320 and 2323) and include such features as waste retainers, sealed journal boxes, fitted bearings, iron bearings, pads, rings or other non-waste lubrication, etc., or a combination of these features.

(f) Axle journals broken "cold" referred to in Codes 2318, 2319, and 2320, are intended to refer to axle journals which have been subjected to burning by previous hot boxes, including those which were reclaimed by turning off the burned portion and restored to service.

(g) Accidents caused by wheels broken or rendered otherwise defective as a result of defective or improperly operated brakes should be coded under

the proper wheel codes, numbered 2301 to 2316, rather than under codes relating to brakes in the 2400 or 2500 series or under negligence codes. Where a wheel causes an accident due to being unable to rotate because of, for example, a seized armature bearing or a seized journal roller bearing, the accident should be coded under the proper defective part which seized, namely Codes 2104 or 2207.

(h) Couplers pulled out or down by defective sills (Code 2615) relate to defects in that portion of the center sills between the bolster and the end of the car. Other sills, such as end or side sills may be incidentally damaged thereby, but all accidents caused by defective side sills, end sills and the portion of the center sill between bolsters not involving a pulled-out coupler should be coded under Code 2701.

**25. Defective way and structures.** All of the codes of causes numbered 3000 to 3999, and some but not all of those numbered between 6000 and 6999, refer to those situations in which it is known that defects in or improper maintenance of way and structures were the direct or immediate cause of the train or train-service accident, including accidents which occur as the result of ordinary wear and weather conditions. This category does not, however, include accidents due to such conditions as are named in section 26 below. The report should show, whenever significant:

Manufacture and type of apparatus or part.

Weight, number, and other identifying marks.

Year of manufacture and year of placing in service.

When and by what class of employee inspected, whether any defects were noted, and, if any, what remedies were applied.

The following relates to explanation of certain specific codes:

(a) Rail with welded joints, Codes 3202, 3204, 3302, 3307, and 3308 relate to track where at least one end of each rail is welded to the adjoining rail.

(b) All Codes 3400 to 3499 covering special work, namely switches, crossings, derails, etc., should have failure or absence of bolts, nuts, lockwashers, etc., holding the respective parts coded under the part indicated. For example, switch lug bolt defects should be classified under Code 3413 Switch lug or rod.

(c) The codes provided for signal failures are substantially the same as the causes specified by the Interstate Commerce Commission, Bureau of Safety and Service, except that "Undetermined" causes should not be included under Codes 3500 to 3599 but should be classified as "Unascertained Causes" under the 4900 to 4999 series.

(d) Mules (sometimes called barney cars) referred to in Code 3914 are car pushers operated by cables on narrow gage track between standard gage track to lift cars up an incline for unloading. This code covers all related parts including the operating cables. Winches and similar car moving devices are also included in Code 3914.

(e) Train accidents caused by mechanical locomotive or car washing

machines should be classified in Code 3918.

**26. Accidents due to miscellaneous causes.** Included in this category are train accidents in codes of causes numbered 4000 to 4999 and train-service accidents in codes of causes numbered 6900 to 6999.

Train accidents which are reportable under sections 5 (b) or 5 (c) and are due to extraordinary forces of nature, as defined by the U. S. Weather Bureau, should be classified in the codes of causes numbered 4300 to 4399 and include such causes as obstructions of track due to floods, earthquakes, hurricanes, tornadoes, and electrical storms, in contrast to causes involving defective maintenance of way and structures, and wear and tear due to use and ordinary weather conditions, which are classified by codes numbered 3000 to 3999 (see section 25 above). An exception is that all signal or interlocking apparatus failures caused by lightning are classifiable under appropriate Codes 3505, 3515 or 3535 respectively and not in the 4300 to 4399 series. Also classifiable under 4300 to 4399 codes are accidents, such as those caused by destruction or damage of bridges or timber tunnel linings by accidental fires, which are reportable under sections 5 (b) and 5 (c).

To be included in this category also are accidents caused by coal, ballast or parts of equipment or lading of another train falling on or afoul of track, throwing track out of alignment or wedging in switch, and other unforeseen happenings or obstructions of similar character. Parts of the equipment or lading of a train which, by falling on or afoul of the track, cause an accident to the same train, are not to be regarded as obstructions classifiable under 4300 to 4399 codes, but should be properly classified under other appropriate codes.

**27. Casualties.** In reporting casualties to persons, personal injuries should be sufficiently described to indicate:

(a) The part of body injured and the specific nature and extent of the injury received which should be reported in sufficient detail to enable the Interstate Commerce Commission to classify the injury. Indefinite terms such as "mashed" "crushed", "injured" "hurt" etc., should not be used. In case of loss of any part, the extent should be indicated, as, for example, tip of index finger of right hand, two middle fingers to second joint of left hand, left arm to elbow, loss of right eye, etc.

(b) The actual number of days of disability if ascertained at the time the report is made but, if the disability has not terminated by that time or is not ascertainable, an estimate of the number should be shown in the appropriate column on Form T, or the absence of an estimate fully explained. When the injury is of a permanent nature, that fact may be stated in lieu of the number of days' disability.

(c) The degree to which the person is maimed, if at all.

**28. Damage.** The question on Form T which calls for the amount of damage occasioned by an accident should be answered only in the case of train acci-

dents. The question should not be answered as to train-service or nontrain accidents.

Amounts of damage should not only include damage to equipment (including damage to foreign cars) track, or road-bed of the reporting railroad but should include comparable expenses of all reporting railroads. Other expenses of reporting railroads occasioned by the accident (such as overhead, cost of clearing wrecks, loss and damage, etc.) all expenses of nonreporting railroads, and contingent expenses because of personal injuries are not to be included. If the amount of damage is not known at the time the report is filed, it should be estimated as accurately as practicable and the fact that it is estimated should be stated.

#### CLASSIFICATION OF PERSONS

29. *Classification.* For the purpose of permitting an appropriate classification, sufficient particulars of each person involved in a train or train-service accident should be given on Form T. The aggregate of all persons of each class involved in all railway accidents should be given on Form V.

The classes "employees" (A and B) apply to any person having such classification or relationship to a reporting railroad. As used herein, it is intended to include every person in the service of the reporting carrier who is subject to its continuing authority to supervise and direct the manner of rendering his service.

When a casualty is known or believed to be an employee of another reporting railroad that fact should be stated and appropriate class symbols indicating the customary occupation of the employee, with the name of the railroad by which he is employed, should be entered.

(A) Employees on duty are those persons who are engaged in the operation of a railroad, as herein defined in section 1 above, or who are customarily engaged in other work than that defined in section 1 above but who, in the course of duty, may be required to engage in some of the work herein defined in section 1 above; or on occasion be exposed, in the performance of required duty, to the operation of a railroad as herein defined in section 1 above.

Ordinarily the fact that the employee is or is not under pay will determine whether he is or is not "on duty." There may, however, be exceptions such as employees "trading time" or doing work which they are expected to do but actually perform before pay starts or after pay stops. Such persons must be considered as "employees on duty."

(B) Employees not on duty are those persons who are on railroad property, before and after duty for purposes connected with their employment; or with other railroad permission. An employee is "not on duty" until he actually begins duty in the operation of a railroad as herein defined in section 1 above; while he has been relieved from the performance of any and all service for a definite time; when he has wilfully left the vicinity of his post of duty contrary to

accepted or tolerated practice; or when he has completed his duty.

Employees (including members of train and engine crews deadheading between terminals) on trains for the purpose of travel and riding in that part of the train assigned to the use of passengers should be included in class (C) as passengers. Employees trespassing should be included in class (F) as trespassers.

The following list of 128 Reporting Divisions into which all the distinctive classes of railroad positions are grouped is derived from the "Rules Governing the Classification of Steam Railroad Employees and Reports of Their Service and Compensation" prescribed by the Interstate Commerce Commission to be effective on January 1, 1951. The returns on all accident report forms should, with respect to the classification of employees, be made in conformity with these Reporting Divisions. For each employee reported on Form T as killed or injured there should be given the correct number of the Reporting Division to which the employee is properly assignable, and also the pay-roll or distinctive class title of his occupational position. The letter (A) or (B) should be used to indicate respectively whether he was on or off duty at the time of accident. Abbreviations or contractions may be used in the indication of position titles if their meaning is sufficiently clear. For example, to indicate a casualty sustained by a road freight brakeman (through freight) on duty, the proper designation of class of person on Form T should be A-117, Road freight brakemen and flagmen (through freight) while that of a casualty incurred in a train or train-service accident by a train attendant on duty would be A-101, Train attendants.

#### LIST OF REPORTING DIVISIONS FOR EMPLOYEES

Division No.	REPORTING DIVISION	
	I—EXECUTIVES, OFFICIALS, AND STAFF ASSISTANTS	II—PROFESSIONAL, CLERICAL, AND GENERAL
1.	Executives, general officers, and assistants.	
2.	Division officers, assistants, and staff assistants.	
3.	Professional and subprofessional assistants.	
4.	Supervisory or chief clerks (major departments).	
5.	Chief clerks (minor departments) and assistant chief clerks and supervising cashiers.	
6.	Clerks and clerical specialists (A).	
7.	Clerks (B) and (C).	
8.	Mechanical device operators (office).	
9.	Stenographers and secretaries (A).	
10.	Stenographers and typists (B).	
11.	Storekeepers, sales agents, and buyers.	
12.	Ticket agents and assistant ticket agents.	
13.	Traveling auditors or accountants.	
14.	Telephone switchboard operators and office assistants.	
15.	Messengers and office boys.	
16.	Elevator operators and other office attendants.	
17.	Lieutenants and sergeants of police.	
18.	Patrolmen and watchmen.	
19.	Traffic and various other agents, inspectors, and investigators.	
20.	Claim agents or investigators.	

#### REPORTING DIVISION—Continued

Division No.	II—PROFESSIONAL, CLERICAL, AND GENERAL—continued	
21.	Freight claim agents or investigators.	
22.	Chief claim agents or investigators.	
23.	Miscellaneous trade workers (other than plumbers).	
24.	Motor vehicle and motor car operators.	
25.	Teamsters and stablemen.	
26.	Janitors and cleaners.	
III—MAINTENANCE OF WAY AND STRUCTURES		
27.	Roadmasters, general foremen, and assistants.	
28.	Maintenance of way and scale inspectors.	
29.	Bridge and building gang foremen (skilled labor).	
30.	Bridge and building carpenters.	
31.	Bridge and building ironworkers.	
32.	Bridge and building painters.	
33.	Masons, bricklayers, plasterers, and plumbers.	
34.	Maintenance of way and structures helpers and apprentices.	
35.	Portable steam equipment operators.	
36.	Portable steam equipment operator helpers.	
37.	Pumping equipment operators.	
38.	Gang foremen (extra gang and work-train laborers).	
39.	Gang foremen (bridge and building, signal and telegraph laborers).	
40.	Gang or section foremen.	
41.	Extra-gang men.	
42.	Section men.	
43.	Maintenance of way laborers (other than track and roadway) and gardeners and farmers.	
44.	General and assistant general foremen and inspectors (signal, telegraph, and electrical transmission).	
45.	Gang foremen (signal and telegraph skilled trades labor).	
46.	Signalmen and signal maintainers.	
47.	Linemen and groundmen.	
48.	Assistant signalmen and assistant signal maintainers.	
49.	Signalman and signal maintainer helpers.	
IV—MAINTENANCE OF EQUIPMENT AND STORES		
50.	General, assistant general, and department foremen.	
51.	General and assistant general foremen (stores).	
52.	Equipment, shop, electrical, material and supplies inspectors.	
53.	Gang foremen and gang leaders (skilled labor).	
54.	Blacksmiths.	
55.	Boilermakers.	
56.	Carmen (A and B).	
57.	Carmen (C and D).	
58.	Electrical workers (A).	
59.	Electrical workers (B).	
60.	Electrical workers (C).	
61.	Machinists.	
62.	Molders.	
63.	Sheet-metal workers.	
64.	Skilled trades helpers (M. of E. and stores).	
65.	Helper apprentices (M. of E. and stores).	
66.	Regular apprentices (M. of E. and stores).	
67.	Coach cleaners.	
68.	Gang foremen (shops, engine houses, and power plants).	
69.	Gang foremen (stores and ice, reclamation, and timber-treating plants).	
70.	Classified laborers (shops, engine houses, and power plants).	
71.	General laborers (shops, engine houses, and power plants).	
72.	General laborers (stores and ice, reclamation, and timber-treating plants).	
73.	Stationary engineers (steam).	
74.	Stationary firemen, oilers, coal passers, and water tenders.	

## REPORTING DIVISION—Continued

- Division No.**  
**V—TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)**  
 75. Chief train dispatchers.  
 76. Train dispatchers.  
 77. Train directors.  
 78. Station agents (supervisory, major stations, nontelegraphers).  
 79. Station agents (smaller stations, nontelegraphers).  
 80. Station agents (telegraphers and telephoners).  
 81. Chief telegraphers and telephoners or wire chiefs.  
 82. Clerk-telegraphers and clerk-telephoners.  
 83. Telegraphers, telephoners, and tower-men.  
 84. Stationmasters and assistants.  
 85. Supervising baggage agents.  
 86. Baggage agents and assistants.  
 87. Baggage, parcel room, and station attendants.  
 88. General foremen (freight stations, warehouses, grain elevators, and docks).  
 89. Assistant general foremen (freight stations, warehouses, grain elevators, and docks).  
 90. Gang foremen (freight station, warehouse, grain elevator, and dock labor).  
 91. Callers, loaders, sealers, scalers, and perishable-freight inspectors.  
 92. Truckers (stations, warehouses, and platforms).  
 93. Laborers (coal and ore docks and grain elevators).  
 94. Common laborers (stations, warehouses, platforms, and grain elevators).  
 95. Stewards, restaurant and lodging-house managers, and dining-car supervisors.  
 96. Chefs and cooks (restaurants or dining cars).  
 97. Walters, camp cooks, kitchen helpers, etc.  
 98. Officers, workers, and attendants on barges, launches, ferry boats, towing vessels, steamers, and shore workers.

## REPORTING DIVISION—Continued

- Division No.**  
**V—TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)—CON.**  
 99. Transportation and dining-service inspectors.  
 100. Parlor and sleeping car conductors.  
 101. Train attendants.  
 102. Bridge operators and helpers.  
 103. Crossing and bridge flagmen and gate-men.  
 104. Foremen (laundry) and laundry workers.  
**VI (a)—TRANSPORTATION (YARDMASTERS, SWITCHTENDERS, AND HOSTLERS)**  
 105. Yardmasters.  
 106. Assistant yardmasters.  
 107. Switch tenders.  
 108. Outside hostlers.  
 109. Inside hostlers.  
 110. Outside hostler helpers.  
**VI (b)—TRANSPORTATION (TRAIN AND ENGINE)**  
 111. Road passenger conductors.  
 112. Assistant road passenger conductors and ticket collectors.  
 113. Road freight conductors (through freight).  
 114. Road freight conductors (local and way freight).  
 115. Road passenger baggagemen.  
 116. Road passenger brakemen and flagmen.  
 117. Road freight brakemen and flagmen (through freight).  
 118. Road freight brakemen and flagmen (local and way freight).  
 119. Yard conductors and yard foremen.  
 120. Yard brakemen and yard helpers.  
 121. Road passenger engineers and motormen.  
 122. Road freight engineers and motormen (through freight).  
 123. Road freight engineers and motormen (local and way freight).  
 124. Yard engineers and motormen.  
 125. Road passenger firemen and helpers.  
 126. Road freight firemen and helpers (through freight).

## REPORTING DIVISION—Continued

- Division No.**  
**VI (b)—TRANSPORTATION (TRAIN AND ENGINE)—continued**  
 127. Road freight firemen and helpers (local and way freight).  
 128. Yard firemen and helpers.

(C) Passengers on trains are those persons who are on, or boarding, or alighting from, railroad cars for the purpose of travel.

(D) Nontrespassers are those persons who are lawfully on that part of railroad property which is used in railroad operation, as herein defined in section 1 above, other than those herein defined as employees, passengers, or trespassers, and persons adjacent to railroad premises when injured as the result of the operation of a railroad.

(E) Trespassers are those persons who are on that part of railroad property which is used in railroad operation, as herein defined in section 1 above, whose presence is prohibited, or forbidden, or unlawful.

Whenever persons are classed as "trespassers" the report should state the circumstances that warrant such a classification and, if possible, the regular occupation of such persons killed or injured.

A person should not be classed as a trespasser on a highway grade crossing unless the crossing is protected by gates, or other similar barriers, which were closed when the person went on the crossing, or unless the person attempted to pass over or under trains or cars at the crossing.

[F. R. Doc. 55-9769; Filed, Dec. 5, 1955; 8:49 a. m.]

## NOTICES

## DEPARTMENT OF THE TREASURY

## Bureau of Customs

[475.43]

## SURGICAL STOCKINGS

## TARIFF CLASSIFICATION

NOVEMBER 29, 1955.

It appears probable that certain surgical stockings in chief value of cotton and in part of rubber are properly classifiable under the provision for articles wholly or in part of net or netting under paragraph 1529 (a) [18], Tariff Act of 1930, at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to section 16.10a (d) of the Customs Regulations, notice is hereby given that the existing uniform practice of classifying such merchandise as knit cotton articles under paragraph 917, Tariff Act of 1930, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to

the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,  
Acting Commissioner of Customs.

[F. R. Doc. 55-9770; Filed, Dec. 5, 1955; 8:49 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

JULIUS FRANZ ZIEGLER

NOTICE OF INTENTION TO RETURN  
VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after

adequate provision for taxes and conservatory expenses:

## Claimant, Claim No., and Property

Julius Franz Ziegler, Vienna, Austria, Claim No. 62811; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent Nos. 1,915,481 and 1,973,184.

Executed at Washington, D. C., on November 29, 1955.

For the Attorney General

[SEAL] DALLAS S. TOWNSEND,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 55-9772; Filed, Dec. 5, 1955; 8:50 a. m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND  
RESERVATION OF LANDS

NOVEMBER 25, 1955.

The Alaska Native Service has filed an application, Serial No. Fairbanks 011951,

for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for school purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: A parcel of land located in the vicinity of Tanana, Alaska, and more particularly described as follows:

Beginning at a point located westerly 100 feet from the southeast corner of the abandoned Fort Gibbon Military Reservation boundary at a point on the right bank of the Yukon River; thence N. 0° 41' W., 280 feet to a point; thence N. 89° 19' E., 100 feet to a point; thence S. 0° 41' E., 106 feet to a point; thence N. 89° 19' E., 75 feet to a point; thence S. 0° 41' E., approximately 175 feet to a point on the right bank of the Yukon River; thence westerly 75 feet to the point of beginning.

Containing approximately 0.95 acres.

ROGER R. ROBINSON,  
Acting Area Administrator

[F. R. Doc. 55-9744; Filed, Dec. 5, 1955;  
8:45 a. m.]

## DEPARTMENT OF LABOR

### Office of the Secretary

[Gen. Order 56, Revised]

#### ASSIGNMENT OF FUNCTIONS

By virtue of and pursuant to the authority vested in me by R. S. 161 (5 U. S. C. sec. 22) Reorganization Plan No. 2 of 1949 (14 F. R. 5225, 63 Stat. 1065) Reorganization Plan No. 6 of 1950 (15 F. R. 3174, 64 Stat. 1263) Title V of the Agricultural Act of 1949 (7 U. S. C. sec. 1461 et seq.) as amended, Regulations issued by the Attorney General in accordance therewith (17 F. R. 11562 et seq.) and the Migrant Labor Agreement of 1951, as amended, it is hereby ordered as follows:

1. Subject to the general direction and control of the Assistant Secretary of Labor for Employment and Manpower, and subject to applicable General Orders and Secretary's Instructions, the Director of the Bureau of Employment Security, or, under his direction and control, such other person or persons as he may designate, is hereby authorized to perform all functions vested in the Secretary of Labor by the Migrant Labor Agreement of 1951, as amended (including all determinations to be made by Regional Representatives or representatives of the Secretary of Labor pursuant to Articles 7 and 30 of such agreement) and by Title V of the Agricultural Act of 1949, as amended, except

(a) Rendering final determinations pursuant to paragraph 2 (e) of Article 7 and paragraphs (e) and (f) of Article 30 of the Migrant Labor Agreement of 1951, as amended, which function shall be performed by David E. Christian, Office of the Secretary, who in connection with the performance of such function shall be directly responsible to the Secretary of Labor; and

(b) Cooperating with the Secretary of State in negotiating agreements or arrangements relating to the employment in the United States of agricultural workers from the Republic of Mexico, pursuant to section 506 (3) of Title V of the Agricultural Act of 1949, as amended.

2. This order shall become effective immediately and shall supersede all prior orders or regulations of the Secretary of Labor or of any officer of the Department of Labor inconsistent herewith.

ARTHUR LARSON,  
Acting Secretary of Labor

NOVEMBER 30, 1955.

[F. R. Doc. 55-9777; Filed, Dec. 5, 1955;  
8:50 a. m.]

## Wage and Hour Division

### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304)

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill., effective 11-21-55 to 11-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton twill pants).

Blue Bell, Inc., 626 South Elm Street, Greensboro, N. C., effective 11-16-55 to 11-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' boxer shorts, and boxer longs Kiddle overalls, etc.).

Blue Bell, Inc., West Lee and Fuller Streets, Greensboro, N. C., effective 11-17-55 to 11-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (coveralls, kiddle overalls).

Blue Ridge Manufacturers, Inc., Christiansburg, Va., effective 11-23-55 to 11-22-56;

10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dungarees).

Blue Ridge Manufacturers, Inc., Pine and Brown Streets, Petersburg, Va., effective 11-14-55 to 11-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (girls', misses' women's denim, twill and corduroy jeans).

Branson Garment Co., Branson, Mo., effective 11-17-55 to 11-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (semi-dress and work trousers).

Clayton Garment Co., Inc., Clayton, Ala., effective 11-16-55 to 2-29-56; 25 learners for plant expansion purposes (boys' sport shirts).

Cluett, Peabody & Co., Inc., Bremen, Ga., effective 11-27-55 to 11-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress shirts).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky., effective 11-28-55 to 11-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (bib overalls and jackets).

Dury Clothing Co., Inc., 330 Philadelphia Avenue, West Pittston, Pa., effective 11-29-55 to 11-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va., effective 11-16-55 to 11-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's cotton uniforms for maid and nurses).

Eagle Bros., Mahanoy City, Pa., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Florence Manufacturing Co., Inc., Florence, S. C., effective 11-29-55 to 11-28-56; 10 percent of the factory production workers for normal labor turnover purposes (ladies' cotton house dresses).

Glen Lyon Bra. Co., West Enterprise and Market Street, Glen Lyon, Pa., effective 11-18-55 to 11-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Harrisville Garment Corp., Harrisville, W. Va., effective 11-24-55 to 11-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's cotton blouses).

Helena Garment Co., Rltmore Square, West Helena, Ark., effective 11-16-55 to 2-29-56; 75 learners for plant expansion purposes (dresses and blouses).

Henry Blouse Corp., 51 North Spruce Street, Mount Carmel, Pa., effective 11-17-55 to 11-16-56; 5 learners for normal labor turnover purposes (ladies' blouses).

Jacobs Bros., Inc., Hancock, Md., effective 11-18-55 to 11-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (nurses', beauticians' maids' etc., uniforms).

Mr. Samuel Meltzer, d. b. a., The Liberty Co., East College Street, Dyer, Tenn., effective 11-16-55 to 11-15-56; 10 percent of the total factory production workers for normal labor turnover purposes (men's and boys' pajamas).

Linden Apparel Corp., Linden, Tenn., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees, western coats).

Millam Manufacturing Co., Tupelo, Miss., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's wear).

Monticello Manufacturing Co., Monticello, Miss., effective 11-24-55 to 11-23-56; 10 per-

cent of the total number of factory production workers for normal labor turnover purposes (men's cotton work trousers).

Oberman Manufacturing Co., Fayetteville, Ark., effective 11-30-55 to 11-29-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants and shirts).

Oberman Manufacturing Co., South Marcus Street, Wrightsville, Ga., effective 11-26-55 to 11-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress trousers).

Reliance Manufacturing Co., Magnolia Factory, Laurel, Miss., effective 12-1-55 to 11-30-56; 10 percent of the total factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Rice-Stix Factory No. 20, Slater, Mo., effective 11-17-55 to 2-29-56; 20 learners for plant expansion purposes (men's and boys' sport shirts).

D. F. Rodgers Manufacturing Co., Inc., 10 University Ridge, Greenville, S. C., effective 11-21-55 to 11-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior dresses).

J. H. Rutter-Rex Manufacturing Co., Inc., Columbia, Miss., effective 11-15-55 to 2-29-56; 20 additional learners for plant expansion purposes (cotton work shirts).

J. H. Rutter-Rex Manufacturing Co., Inc., Columbia, Miss., effective 11-15-55 to 11-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts).

Steiner Lobman Dry Goods Co., Manufacturing Division, 230 Commerce Street, Montgomery, Ala., effective 11-15-55 to 11-1-56; 10 learners for normal labor turnover purposes (men's and boys' bib overall, dungarees, work pants) (replacement certificate).

Warsaw Manufacturing Co., Warsaw, N. C., effective 11-29-55 to 11-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton dresses).

Weldon Manufacturing Co., Lopez, Pa., effective 11-14-55 to 11-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Weldon Manufacturing Co., Muncy, Pa., effective 11-18-55 to 11-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Weldon Manufacturing Co., Dushore, Pa., effective 11-14-55 to 11-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Wentworth Manufacturing Co., 148 East Darlington Street, Florence, S. C., effective 11-17-55 to 11-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's cotton house dresses).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (men's and boys' trousers).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304)

The Boss Manufacturing Co., 3012 South Adams Street, Peoria, Ill., effective 11-21-55 to 11-20-56; 10 percent of the total number of machine stitchers (work gloves).

The Boss Manufacturing Co., 320 Ballard Street, Lebanon, Ind., effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., Palm, Pa., effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 327 North Main Street, Bluffton, Ohio, effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 124 West Williams Street, Breckenridge, Tex., effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 400-06 Seneca Street, Leavenworth, Kans., effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

North Star Glove Co., 2317 Pacific Avenue, Tacoma, Wash., effective 11-21-55 to 11-20-56; 6 learners for normal labor turnover purposes (Canton flannel gloves).

Western Glove Co., Orting, Wash., effective 11-21-55 to 11-20-56; 6 learners for normal labor turnover purposes (Canton flannel gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304)

Magnet Mills, Inc., 308 Cullom Street, Clinton, Tenn., effective 11-29-55 to 11-28-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304)

Cluett, Peabody & Co., Inc., Eveleth, Minn., effective 11-28-55 to 11-27-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Cynthiana Mills, Inc., Webster Avenue, Cynthiana, Ky., effective 11-17-55 to 11-16-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton woven undershorts).

Highmount Knitting Co., 309-11 Putnam Street, West Hazleton, Pa., effective 11-14-55 to 11-13-56; 5 learners for normal labor turnover purposes (knitted infant and children's outerwear).

Reldier Knitting Mills, Inc., 757 West Broad Street, Hazleton, Pa., effective 11-24-55 to 11-23-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knit underwear).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304)

Casey Manufacturing Co., East Main, Casey, Ill., effective 11-16-55 to 11-15-56; 10 percent of the number of productive factory workers in the plant, for normal labor turnover purposes.

Ettelbrick Shoe Co., Sole Department, Casey, Ill., effective 11-16-55 to 11-15-56; 5 learners for normal labor turnover purposes.

Greenup Manufacturing Co., Greenup, Ill., effective 11-16-55 to 11-15-56; 10 percent of the number of productive factory workers in the plant, for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Naylor Marine Products, 3610 Curlew Street, San Diego, Calif., effective 11-21-55 to 2-29-56; 2 learners for normal labor turnover purposes in the occupations of hand and machine operating for 240 hours at 65 cents per hour (shell novelties and marine scientific specimens).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the num-

ber of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Regina Apparel Co., Mayaguez, P. R., effective 11-3-55 to 5-2-56; 14 learners to be employed in the occupations hereinafter listed: sewing machine operating, for 160 hours at 30 cents an hour; 160 hours at 35 cents an hour; and 160 hours at 40 cents an hour; stamping and cleaning, each 160 hours at 35 cents an hour (blouses and silk, rayon and nylon underwear).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of November 1955.

MILTON BROOKE,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 55-9746; Filed, Dec. 5, 1955; 8:45 a. m.]

#### LEARNER EMPLOYMENT CERTIFICATES

##### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955; 20 F. R. 2304)

Blue Bell, Inc., Prentiss County, Baldwin, Miss., effective 11-28-55 to 11-27-56; 10 percent of the total number of factory production workers engaged in the manufacture of sport shirts only for normal labor turnover purposes (sport shirts).

Blue Bell, Inc., Prentiss County, Baldwin, Miss., effective 11-28-55 to 11-27-56; 10 percent of the total number of factory production workers engaged in the manufacture of blouses, for normal labor turnover purposes (blouses).



Blue Bell, Inc., Prentiss County, Booneville, Miss., effective 11-25-55 to 11-24-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Centralia Garment Co., Freeburg, Ill., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (junior and women's dresses).

Centralia Garment Co., Mascoutah, Ill., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (junior and women's dresses).

Centralia Garment Co., Centralia, Ill., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and women's dresses).

Centralia Garment Co., Wayne City, Ill., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and women's dresses).

Chester Manufacturing Co., Inc., Chester, S. C., effective 11-28-55 to 2-29-56; 50 learners for expansion purposes (men's shirts).

Dart-Win Trousers, Inc., Gonzales, La., effective 11-25-55 to 2-29-56; 65 learners for plant expansion purposes (men's dress trousers).

Finesilver Manufacturing Co., 816 Cameron Street, San Antonio, Tex., effective 11-27-55 to 11-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' denim dungarees, work shirts, work pants).

Forest City Manufacturing Co., DuQuoin, Ill., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and misses' dresses).

General Garment Co., Collinsville, Ill., effective 12-5-55 to 12-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and women's dresses).

H. R. Halprin Manufacturing Co., Monsey Avenue & Ash Street, Scranton, Pa., effective 12-1-55 to 11-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (girls' sportswear).

Holiday Wear, Inc., Ridgeland, S. C., effective 11-25-55 to 11-24-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton dresses, ladies' cotton sportswear).

Industrial Garment Manufacturing Co., Carolina Street, Erwin, Tenn., effective 12-1-55 to 11-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's cotton work clothes).

Kepland and Koral, 597 Main Street, Edwardsville, Pa., effective 11-23-55 to 11-22-56; 5 learners for normal labor turnover purposes (women's dresses).

The H. D. Lee Co. Inc., 409 East Madison, South Bend, Ind., effective 11-28-55 to 11-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

Lerner-Stone Clothing Corp., Forrest City, Ark., effective 11-24-55 to 11-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Linn Manufacturing Co., Linn, Mo., effective 11-22-55 to 11-21-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's semidress pants).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo., effective 12-5-55 to 12-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior dresses).

Mode O'Day Corp., 840 Twelfth Street NW., Mason City, Iowa, effective 11-30-55 to 11-

29-56; 10 learners for normal labor turnover purposes (ladies' lingerie).

Prevore-Sanford, Inc., 7 Mill Street, Sanford, Springvale, Maine, effective 11-28-55 to 2-29-56; 35 learners for plant expansion (house dresses, washfrocks, robes, dusters, etc.).

Rhea Manufacturing Co., American Junior Division, Bainbridge, Ga., effective 11-21-55 to 11-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (misses' sportswear).

Superb Garments, Inc., Pinckneyville, Ill., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and misses' dresses).

Superb Garments, Inc., Ziegler, Ill., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (junior and misses' dresses).

Superb Garments, Inc., Coulterville, Ill., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (junior and women's dresses).

Terre Hill Manufacturing Co. Inc., Blue Ball, Pa., effective 11-22-55 to 11-21-56; 10 percent of the total number of factory production workers engaged in the production of slips and nightgowns of woven fabrics for normal labor turnover purposes (ladies' and children's slips and nightgowns (woven).)

The Warner Brothers Co., Moultrie, Ga., effective 11-24-55 to 2-29-56; 25 learners for plant expansion purposes (corsets and brassieres).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304)

Terre Hill Manufacturing Co., Inc., Blue Ball, Pa., effective 11-22-55 to 11-21-56; 5 percent of the total number of factory production workers engaged in the production of slips and nightgowns of knitted fabrics, for normal labor turnover purposes (ladies' children's slips and nightgowns).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended April 19, 1955, 20 F. R. 2304)

Chambers County Telephone Co., Inc., Winnie, Tex., effective 11-28-55 to 11-27-56.  
Iowa-Illinois Telephone Co., New London, Iowa, effective 12-1-55 to 11-30-56.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645)

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Nassau Mills, Inc., Caguas Puerto Rico, effective 11-14-55 to 5-13-56; 30 learners to be employed in the occupations hereinafter listed; sewing machine operating, for 480 hours at 30 cents an hour; pressing and examining, each 160 hours at 30 cents an hour (sleeping wear).

Proctor Manufacturing Corp., Sabana Ilana, Rio Piedras, P. R., effective 11-16-55 to 11-15-56; 10 learners to be employed in the occupations hereinafter listed; assemblers and machine operators, each 160 hours at 50 cents an hour (assembly of electric irons and electric toaster elements).

Stadium Manufacturing Co., of Puerto Rico, Inc., Villalba, P. R., effective 11-16-55 to 5-15-56; 35 learners to be employed in the occupations hereinafter listed; sewing ma-

chine operating and pressing-folding, each 160 hours at 30 cents an hour; 160 hours at 36 cents an hour; 160 hours at 42 cents an hour (men's pajamas).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 28th day of November 1955.

MILTON BROOKE,  
Authorized Representative  
of the Administrator

[F. R. Doc. 55-9747; Filed, Dec. 5, 1955; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7478]

EMPRESA DE TRANSPORTES, AEROVIAS  
BRASIL, S. A.

NOTICE OF HEARING ON APPLICATION FOR  
PERMIT

In the matter of the application of Empresa De Transportes, Aerovias Brasil, S. A., for a foreign air carrier permit authorizing it to engage in air transportation between a terminal point in the United States of Brazil, the intermediate points Port of Spain, Trinidad, Caracas, Venezuela, Ciudad Trujillo, Dominican Republic, and the coterminal points Miami, Florida, and Chicago, Illinois.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1002 of said act, that a hearing in the above-entitled proceeding is assigned to be held on January 17, 1956, at 2:30 p. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 29, 1955.

[SEAL] FRANCIS W BROWN,  
Chief Examiner

[F. R. Doc. 55-9742; Filed, Dec. 5, 1955; 8:45 a. m.]

[Docket No. 5A-313]

ACCIDENT OCCURRING NEAR NORTH  
HOLLYWOOD, CALIF.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 5825C, which occurred near North Hollywood, California, October 17, 1955.



Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, December 19, 1955, at 9:30 a. m. (local time) in the Aviation Room, Hollywood Roosevelt Hotel, Hollywood, California.

Dated at Washington, D. C., November 29, 1955.

[SEAL] ROBERT W. CHRISP,  
Presiding Officer.

[F. R. Doc. 55-9780; Filed, Dec. 5, 1955;  
8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-8380]

A. F. CHISHOLM

### NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 30, 1955.

Take notice that A. F. Chisholm (Applicant) an individual whose address is P. O. Box 625, Laurel, Mississippi, filed on January 19, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of certain mineral and lease interests in Maxie Field, Forrest County, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 9, 1956, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the inter-

mediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9752; Filed, Dec. 5, 1955;  
8:47 a. m.]

[Docket No. G-8455]

DURBIN BOND

### NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 30, 1955.

Take notice that Durbin Bond (Applicant) an individual whose address is Union National Bank Building, Little Rock, Arkansas, filed as nonoperator on February 7, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of a 3.6456 percent working interest in a 318.74 acre Unit, Pistol Ridge Field, Lamar, Pearl and Forrest Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 10, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9753; Filed, Dec. 5, 1955;  
8:47 a. m.]

[Docket No. G-8592]

SUN OIL Co. (SOUTHWEST DIVISION)

### NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 30, 1955.

Take notice that Sun Oil Company (Southwest Division) Applicant, a New Jersey corporation whose address is P. O. Box 2880, Dallas, Texas, filed on March 16, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection:

Applicant proposes to sell natural gas in interstate commerce from production of certain lands and leaseholds, Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 10, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9754; Filed, Dec. 5, 1955;  
8:47 a. m.]

[Docket No. G-8644]

MAGNOLIA STATE ROYALTIES, INC.

### NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 30, 1955.

Take notice that Magnolia State Royalties, Inc. (Applicant), a Mississippi corporation whose address is P. O. Box

1370, Jackson, Mississippi, filed as non-operator on March 21, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 1½ acres of the Morgan and Norton Creosote No. 2 Unit, Pistol Ridge Field, Forrest and Pearl River Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9755; Filed, Dec. 5, 1955;  
8:47 a. m.]

[Docket No. G-8645]

ROBERT A. BIGGS, JR., ET AL.

NOTICE OF APPLICATION AND DATE OF  
HEARING

NOVEMBER 30, 1955.

Take notice that Robert A. Biggs, Jr., Rachel C. Biggs, and Alma G. Conner, individuals, whose addresses are P. O. Box 1370, Jackson, Mississippi, hereinafter referred to as Applicant, filed as non-operator on March 21, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the

jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 2½ acres of the Morgan and Norton Creosote No. 2 Unit, Pistol Ridge Field, Forrest and Pearl Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9756; Filed, Dec. 5, 1955;  
8:47 a. m.]

[Docket No. G-8854 etc.]

C. R. RIDGWAY ET AL.

NOTICE OF APPLICATIONS AND DATE OF  
HEARING

NOVEMBER 30, 1955.

In the matters of C. R. Ridgway and W. B. Ridgway, Docket Nos. G-8854-8864, inclusive; Granite Oil Trust No. 2 of Oklahoma, Docket No. G-8915; A. J. Hodges Industries, Inc., Docket No. G-8975; States Oil Company et al., Docket No. G-8992; Robert B. Prentice et al., Docket No. G-9018; W. Earl Rowe et al., Docket No. G-9026; Sunray Mid-Continent Oil Company, Docket No. G-9043; Flanders Gas & Oil Company, Docket No. G-9052; J. C. Vaughan, Jr., Docket No. G-9160; A. E. Coutant, Docket No. G-9167.

There have been filed with the Federal Power Commission applications, pursuant to section 7 of the Natural Gas Act,

for certificates of public convenience and necessity as hereinafter specified:

*Docket No., Applicant; Address;  
and Date Filed*

G-8854-8864, inclusive; C. R. Ridgway & W. B. Ridgway; P. O. Box 472, Jackson, Mississippi; 5-4-55.

G-8915; Granite Oil Trust No. 2 of Oklahoma; Box 1961, Wichita Falls, Texas; 5-10-55.

G-8975; A. J. Hodges Industries, Inc., 604 Johnson Building, Shreveport, Louisiana; 5-23-55.

G-8992; States Oil Company et al., 131 East Main Street, Benton Harbor, Michigan; 6-2-55.

G-9018; Robert B. Prentice et al., Houma, Louisiana; 6-8-55.

G-9026; W. Earl Rowe et al., 1400 Milam Building, San Antonio, Texas; 6-10-55.

G-9043; Sunray Mid-Continent Oil Company; P. O. Box 2039, Tulsa, Oklahoma; 6-16-55.

G-9052; Flanders Gas & Oil Company; Dallas, Texas; 6-20-55.

G-9160; J. C. Vaughan, Jr.; P. O. Box 1674, Jackson, Mississippi; 7-20-55.

G-9167; A. E. Coutant; 505 Standard Life Building, Jackson, Mississippi; 7-22-55.

Each of the foregoing Applicants seeks authorization to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants, producers of natural gas in Texas, Louisiana, and Mississippi, propose to deliver and to sell natural gas to United Gas Pipe Line Company for transportation in interstate commerce for resale as indicated below:

*Docket No., Applicant; and Location of Field*

G-8854; C. R. Ridgway and W. B. Ridgway; Boone-Clark Unit, Pistol Ridge Field, Forrest and Pearl River Counties, Mississippi.

G-8855; C. R. Ridgway and W. B. Ridgway; Creosote Unit, Pistol Ridge Field.

G-8856; C. R. Ridgway and W. B. Ridgway; Southern Mineral Corporation "A" Unit, Pistol Ridge Field.

G-8857; C. R. Ridgway and W. B. Ridgway; Creosote Oil Corporation Unit, Pistol Ridge Field.

G-8858; C. R. Ridgway and W. B. Ridgway; Southern Mineral Corporation "B" Unit, Pistol Ridge Field.

G-8859; C. R. Ridgway and W. B. Ridgway; Crosby Forest B-1 Unit, Pistol Ridge Field.

G-8860; C. R. Ridgway and W. B. Ridgway; Crosby Forest et al. "A" Unit, Pistol Ridge Field.

G-8861; C. R. Ridgway and W. B. Ridgway; N. D. Entriken Unit, Pistol Ridge Field.

G-8862; C. R. Ridgway and W. B. Ridgway; Gulf Reel Unit, Pistol Ridge Field.

G-8863; C. R. Ridgway and W. B. Ridgway; Southern Mineral Corporation "C" Unit, Pistol Ridge Field.

G-8864; C. R. Ridgway and W. B. Ridgway; McCordle Clark Unit, Pistol Ridge Field.

G-8915; Granite Oil Trust No. 2 of Oklahoma; Albrecht Field, Goliad County, Texas.

G-8975; A. J. Hodges Industries, Inc., North Cotton Valley Field, Webster Parish, Louisiana.

G-8992; States Oil Company et al., Greenwood-Waskom Field, Caddo Parish, Louisiana.

G-9018; Robert B. Prentice et al., North Houma Field, Terrebonne Parish, Louisiana.

G-9026; W. Earl Rowe et al., Boyce Field, Goliad County, Texas.

G-9043; Sunray Mid-Continent Oil Company; Pistol Ridge and Maxie Fields, Forrest, Lamar, and Pearl River Counties, Mississippi.

G-9052; Flanders Gas & Oil Company; Sibley Field, Webster Parish, Louisiana.

G-9160; J. V. Vaughan, Jr.; Pistol Ridge and Maxie Fields, Forrest and Pearl River Counties, Mississippi.

G-9167; A. E. Coutant; Pistol Ridge and Maxie Fields, Forrest and Pearl River Counties, Mississippi.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicants to be represented at the hearing.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9757; Filed, Dec. 5, 1955;  
8:47 a. m.]

[Project No. 1925]

FRESNO IRRIGATION DISTRICT, CALIF.

NOTICE OF ORDER EXTENDING PERIOD OF  
PRELIMINARY PERMIT

NOVEMBER 30, 1955.

Notice is hereby given that on November 21, 1955, the Federal Power Commission issued its order adopted November 16, 1955, in the above-entitled matter, extending period of preliminary permit from December 8, 1955, to and including June 7, 1956.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9758; Filed, Dec. 5, 1955;  
8:47 a. m.]

[Project No. 2064]

WINTER ELECTRIC LIGHT & POWER CO.

NOTICE OF ORDER FURTHER AMENDING  
LICENSE (MAJOR)

NOVEMBER 30, 1955.

Notice is hereby given that on November 18, 1955, the Federal Power Commis-

sion issued its order adopted November 16, 1955, modifying order further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9759; Filed, Dec. 5, 1955;  
8:47 a. m.]

[Project No. 2036]

BIG HORN CANYON IRRIGATION AND POWER  
Co.

NOTICE OF ORDER PERMITTING WITHDRAWAL  
OF APPLICATION

NOVEMBER 30, 1955.

Notice is hereby given that on November 18, 1955, the Federal Power Commission issued its order adopted November 16, 1955, permitting withdrawal of application for preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9760; Filed, Dec. 5, 1955;  
8:47 a. m.]

Description	Purchaser	Rate schedule designation	Effective date <sup>1</sup>
Contract dated Aug. 4, 1935..	Frank O. Henderson and Elizabeth P. Henderson Trust No. 2.	Applicant's FPC Gas Rate Schedule No. 79.	Dec. 2, 1935
Notice of change dated Oct. 28, 1935.	do.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 79.	Do.

<sup>1</sup> The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated rate schedule and supplement be suspended and the use thereof deferred as herein-after ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedule and supplement be and the same hereby are suspended and the use thereof deferred until May 2, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

[Docket No. G-2017]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF ORDER GRANTING PETITION

NOVEMBER 30, 1955.

Notice is hereby given that on November 17, 1955, the Federal Power Commission issued its order adopted November 16, 1955, granting petition to amend prior order accompanying Opinion No. 260 issued August 7, 1953 (18 F. R. 4932), in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9761; Filed, Dec. 5, 1955;  
8:48 a. m.]

[Docket No. G-9716]

SINCLAIR OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN  
RATES

Sinclair Oil & Gas Company (Applicant), on November 1, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings which are proposed to become effective on the date shown:

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 23, 1955.

Issued: November 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9764; Filed, Dec. 5, 1955;  
8:48 a. m.]

[Docket No. G-9717]

SINCLAIR OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN  
RATES

Sinclair Oil & Gas Company (Applicant), on November 1, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date <sup>1</sup>
Contract, dated Aug. 16, 1955.	Frank O. Henderson and Elizabeth P. Henderson Trust No. 2.	Applicant's FPO Gas Rate Schedule No. 80.	Dec. 2, 1955
Notice of change, dated Oct. 23, 1955.	-----do-----	Supplement No. 1 to Applicant's FPO Gas Rate Schedule No. 80.	Do.

<sup>1</sup> The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and changes proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated rate schedule and supplement be suspended and the use thereof deferred as herein-after ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedule and supplement be and the same hereby are suspended and the use thereof deferred until May 2, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 23, 1955.

Issued: November 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9765; Filed, Dec. 5, 1955; 8:48 a. m.]

[Docket No. G-9718]

SINCLAIR OIL & GAS CO.

#### ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sinclair Oil & Gas Company (Applicant) on November 1, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date <sup>1</sup>
Contract, dated Aug. 16, 1955.	Frank O. Henderson and Elizabeth P. Henderson Trust No. 2.	Applicant's FPO Gas Rate Schedule No. 81.	Dec. 2, 1955
Notice of change, dated Oct. 23, 1955.	-----do-----	Supplement No. 1 to Applicant's FPO Gas Rate Schedule No. 81.	Do.

<sup>1</sup> The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated rate schedule and supplement be suspended and the use thereof deferred as herein-after ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said pro-

posed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedule and supplement be and the same hereby are suspended and the use thereof deferred until May 2, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 23, 1955.

Issued: November 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9766; Filed, Dec. 5, 1955; 8:48 a. m.]

[Docket No. G-4658]

ANDERSON-PRICHARD OIL CORP.

#### NOTICE OF FINDINGS AND ORDER PERMITTING AND APPROVING ABANDONMENT OF FACILITIES AND SERVICE

NOVEMBER 30, 1955.

Notice is hereby given that on November 18, 1955, the Federal Power Commission issued its findings and order adopted November 16, 1955, permitting and approving abandonment of facilities and service in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9762; Filed, Dec. 5, 1955; 8:48 a. m.]

[Docket Nos. G-9119, G-9142]

TEXAS EASTERN TRANSMISSION CORP. AND MANUFACTURERS LIGHT AND HEAT CO.

#### NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 30, 1955.

Notice is hereby given that on November 18, 1955, the Federal Power Commission issued its findings and orders adopted November 16, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-9763; Filed, Dec. 5, 1955; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

(24FW-973)

PITTMAN DRILLING AND OIL CO.

#### ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 30, 1955.

I. Pittman Drilling and Oil Company, 420 Citizens National Bank Building, Independence, Kansas, having filed with the Commission on September 6, 1955, a Notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 60,000 shares of 6 percent non-cumulative \$4 par preferred stock and 60,000 shares of 10 cents par common stock in units of 1 share of preferred and 1 share of common at \$5 per unit, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in respect of such Notification and the offering circular filed as a part thereof, in that:

1. The aggregate offering price of the securities proposed to be offered and the stock purchase warrants to the underwriter or his nominees, exceed the

\$300,000 limitation prescribed by Rule 217 (a)

2. The Notification fails to disclose the section of the Act or rule or regulation of the Commission under which exemption is claimed for the issuance of 940,000 shares of common stock to Harry M. Pittman or his nominees, as required by Item 3 of Form 1-A; and

3. The offering circular fails to disclose the interests in the issuer of Eugene Bernard Runyan, secretary-treasurer and director, by security holdings or otherwise; the purposes, amounts and priority of use of the proceeds of the offering; and financial statements, as required by Rules 219 (c) (2) (5) and (6)

B. That the offering circular omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to whether the company has any drilling contracts, oil or gas leases or properties; the age and date of acquisition of each drilling rig and the depths to which each will drill; the fact that the drilling contracting business is not generally profitable; the salaries to be paid; and the fact that if all the shares were sold, the public would have contributed \$300,000 in cash for preferred and common stock representing only 6 percent of the voting stock, while the promoters would hold 94 percent of the voting stock and a demand note of the issuer in the amount of \$126,000 for which they gave certain assets;

C. That the use of the offering circular with respect to the securities proposed to be offered thereunder would operate as a fraud or deceit upon the purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended; that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered*, That this order and notice shall be served upon Pittman Drilling and Oil Company and Dewitt Investment Company, 912 West Street, Wilmington 1, Delaware, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-9775; Filed, Dec. 5, 1955; 8:50 a. m.]

[File No. 812-965]

VENCAP, INC.

NOTICE OF FILING OF APPLICATION FOR  
EXEMPTION OF CLOSED-END INVESTMENT  
COMPANY

NOVEMBER 30, 1955.

Notice is hereby given that VenCap, Inc. ("VenCap"), a corporation organized under the laws of the Commonwealth of Massachusetts, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act") and Rule N-6D-1 thereunder for an order of the Commission exempting it from the provisions of the act. In an amendment to the application VenCap has agreed that it will accept and be subject to any specified provisions of the act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject.

VenCap is a closed-end non-diversified management investment company as defined in the Act and was organized on September 9, 1955. Its authorized capital consists of 4,500 shares of no par value common stock. The company proposes to offer such shares to residents of the Commonwealth of Massachusetts at an aggregate public offering price of \$90,000.

It is stated to be a fundamental policy of the company that its principal and primary activities will consist of investigation, research, and analysis with respect to new or existing enterprises, processes or products, and of furnishing capital to or purchasing securities of other companies primarily and principally engaged in the conduct or development of new enterprises, processes or products or the development of existing processes or products.

At the present time VenCap has outstanding 19 shares of stock, representing one share purchased by each of the eleven members of the company's board of directors and one share sold to each of the eight other persons who were instrumental in the formation of the company.

Section 6 (d) of the act provides in substance that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed \$100,000, and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any order exempting any investment company from any provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such

company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemption be granted from the following provisions of the act and the respective rules and regulations promulgated under each of such provisions:

Section 7; section 8 (b), except the requirement to file the information required by Items 3, 4 and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20 (a), section 23 (c), section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a) section 30 (b) except that VenCap shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d) which reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e) section 30 (f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a) *Provided*, That the applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may, not later than December 13, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-9774; Filed, Dec. 5, 1955; 8:50 a. m.]

## RAILROAD RETIREMENT BOARD

### SURETY COMPANIES

#### SEALED PROPOSALS FOR POSITION SCHEDULE SURETY BOND

The Railroad Retirement Board will receive sealed proposals for a position schedule surety bond covering certain federal employee positions in various locations throughout the Continental United States. Bidding will be limited to corporate surety companies holding certificates of authority from the Secretary of the Treasury under the act of



July 30, 1947 (6 U. S. C. 1-15), as acceptable sureties on Federal bonds. Approximately seventy (70) positions are to be bonded in penalty amounts ranging from \$5,000 to \$25,000, most of which fall into the former category. The bond will be conditioned upon the faithful performance of the duties of the individuals occupying the positions bonded and will run solely in favor of the United States. The effective date of the bond will be January 1, 1956, and the term will be one year.

Requests for Invitation to Bid and Specifications should be directed to the Director of Supply and Service, Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois. Bids will be opened at 2 o'clock p. m., c. s. t., on December 20, 1955, in Room 1200, 844 Rush Street, Chicago, Illinois.

Date approved: November 29, 1955.

By direction of the Board.

MARY B. LINKINS,  
Secretary of the Board.

[F. R. Doc. 55-9749; Filed, Dec. 5, 1955;  
8:46 a. m.]

#### RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

#### PROCLAMATION WITH RESPECT TO BALANCE OF CREDIT

In pursuance of the requirement contained in section 8 (a) of the Railroad Unemployment Insurance Act, as amended, 62 Stat. 577 (45 U. S. C. 1952 ed., section 358 (a)) the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1955, was \$395,271,701.75.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 29th day of November 1955.

[SEAL]      RAYMOND J. KELLY,  
                  Chairman.  
                  HORACE W. HARPER,  
                  Member  
                  THOMAS M. HEALY,  
                  Member

By the Railroad Retirement Board.

MARY B. LINKINS,  
Secretary of the Board.

[F. R. Doc. 55-9750; Filed, Dec. 5, 1955;  
8:46 a. m.]

## UNITED STATES TARIFF COMMISSION

[Investigation 6]

### MONTAN WAX IN ITS CRUDE FORM

#### NOTICE OF HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m. on January 10, 1956, in the

hearing room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 6 under section 201 (a) of the Anti-dumping Act, 1921, as amended, with respect to montan wax in its crude form. Public notice of Investigation No. 6 has been previously given (20 F. R. 8278).

*Request to appear at hearing.* Parties interested will be given opportunity to appear and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, three days in advance of the date of the hearing.

By order of the United States Tariff Commission, the 30th day of November 1955.

Issued: December 1, 1955.

DONN N. BENT,  
Secretary.

[F. R. Doc. 55-9773; Filed, Dec. 5, 1955;  
8:50 a. m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 1, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 31382: *Malt liquors and empty containers to and from the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on malt liquors, carloads and empty returned containers, carloads from Milwaukee and Waukesha, Wis., to specified destinations in southern territory named in the tariff schedule listed below, and also in the reverse direction for containers.

Grounds for relief: Additional circuitous routes.

Tariff: Agent Raasch's tariff I. C. C. No. 850.

FSA No. 31383: *Acrylonitrile—New Orleans, La., to Chicago, Ill.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on acrylonitrile, tank-car loads from New Orleans, La., to Chicago, Ill.

Grounds for relief: Barge competition and circuitry.

Tariff: Supplement 144 to Alternate Agent Marque's I. C. C. 417.

FSA No. 31384: *Chemicals—Charleston, W. Va., district to St. Louis, Mo., district.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on barium oxide, carbonate and chloride, sodium sulphide, sulphhydrate, and sulphate, precipitated (Blanc Fixe) carloads from Charleston, W. Va., and other West Virginia points in the Charleston industrial district named in the application to East St. Louis, Hartford, Hartford (South Wood River) Roxana, and Wood River, Ill., and St. Louis, Mo.

Grounds for relief: Competition of water carriers and circuitous routes.

Tariff: Supplement 98 to Baltimore & Ohio Railroad Company I. C. C. 24244 and two other tariffs.

FSA No. 31385: *Cement or concrete pipe and fittings—Kansas City, Mo., to Shreveport, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pipe and pipe fittings, concrete or cement, reinforced, carloads from Kansas City, Kans.-Mo., to Shreveport, La.

Grounds for relief: Circuitous routes. Tariff: Supplement 109 to Agent Kratzmeir's I. C. C. 4049.

FSA No. 31386: *Magnesium metals and alloys—Velasco, Tex., to New York Harbor area points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesium metal or magnesium metal alloys, as described, carloads from Velasco, Tex., to Brooklyn, N. Y., and Port Newark, N. J.

Grounds for relief: Competition of water carriers and circuitry.

Tariff: Supplement 116 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31387: *Sand—Michigan and Indiana to the South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sand, in open top and closed cars, as described, carloads from specified points in Indiana and Michigan to destinations in southern territory named in tariff listed below.

Grounds for relief: Modified short-line distance formula and circuitry.

Tariff: Supplement 10 to Agent Hinsch's I. C. C. 4664.

FSA No. 31388: *Chimney parts—Buda, Ill., to Alabama and Mississippi.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on chimney parts, made of tile, concrete, and cement asbestos, as more fully described in the application, carloads from Buda, Ill., to specified points in Alabama and Mississippi.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 52 to Agent Raasch's I. C. C. 784; Supplement 67 to Agent Raasch's I. C. C. 776.

By the Commission.

[SEAL]      HAROLD D. MCCOY,  
                  Secretary.

[F. R. Doc. 55-9767; Filed, Dec. 5, 1955;  
8:48 a. m.]

### FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 30, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 31370: *Lubricating oil—Eastern points to North Carolina.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on lubricating oil, tank-car loads from specified points in Delaware, Maryland, New Jersey and Pennsylvania to Charlotte, Friendship, Greensboro, and Thrift, N. C.



Grounds for relief: Truck competition and circuitry.

Tariff: Supplement 6 to Agent Boin's I. C. C. A-1035.

FSA No. 31371: *Brass, bronze, copper, and silver articles in Official Territory.* Filed jointly by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on brass, bronze, copper and cupron-nickle-silver articles, carloads between points in official territory, as described in the application.

Grounds for relief: Motor-truck competition and circuitry.

Tariff: Agent Boin's I. C. C. No. A-1080.

FSA No. 31372: *Asphalt filler—Alpine, Ala., to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on asphalt filler namely soapstone, pulverized and talc tailings, pulverized, carloads from Alpine, Ala., to specified points in official territory.

Grounds for relief: Short-line distance formula and circuitry.

Tariffs: Supplement 174 to Agent Spaninger's I. C. C. 1351, Supplement 158 to Agent Spaninger's I. C. C. 1324.

FSA No. 31373: *Synthetic rubber—Charleston, S. C., to Chicago, Ill.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on rubber synthetic, coprecipitated with lignin pitch, carloads from Charleston, S. C., to Chicago, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 174 to Agent Spaninger's I. C. C. 1351.

FSA No. 31374: *Hides, pelts or skins—Beckville, Miss., to Eastern Points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on hides, pelts or skins, carloads from Beckville, Miss., to specified points in Delaware, Maine, New Hampshire and New Jersey.

Grounds for relief: Modified short-line distance formulas and circuitry.

No. 236—5

Tariff: Supplement 158 to Agent Spaninger's I. C. C. 1324.

FSA No. 31375: *Pressure pipe—Columbia, S. C., to Southern Points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe, carloads from Columbia, S. C., to specified points in southern territory.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 145 to Agent Spaninger's I. C. C. 1251 and two other tariffs.

FSA No. 31376: *Sugar—Gulf Ports to Alabama and Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from New Orleans, Three Oaks, Gramercy, and Reserve, La., Gulfport, Miss., Mobile, Ala., and Pensacola, Fla., to Atlanta, La-Grange, Newnan, and West Point, Ga., Lanett, Opelika, Auburn, Franklin and Montgomery, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 280 to Agent W. P. Emerson, Jr.'s I. C. C. 380.

FSA No. 31377: *Sugar—Western Louisiana to Birmingham, Ala., and Group.* Filed by J. H. Marque, Alternate Agent, for interested rail carriers. Rates on sugar, carloads, from specified points in Louisiana west of the Mississippi River to Birmingham, Ala., and points grouped with and taking Birmingham rates.

Grounds for relief: Market competition, differential origin relations, and circuitry.

Tariff: Supplement 281 to Alternate Agent Marque's I. C. C. 380.

FSA No. 31378: *Caustic soda—Evans City, Ala., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Evans City, Ala., to Houston, Tex.

Grounds for relief: Truck-barge competition and circuitry.

Tariff: Supplement 97 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 31379: *Clay between points in Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to McIntyre, Ga., also from Attapulgus, Ga., to Miami, Fla.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 3 to Agent Spaninger's I. C. C. 1491.

FSA No. 31380: *Grain and grain products to Gulf Ports.* Filed by W. J. Prue-ter, Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, carloads from specified points named in Chicago, Burlington and Quincy Railroad Tariff I. C. C. No. 20396, to gulf ports for coast-wise movement.

Grounds for relief: Carriers competition, grouping and circuitry.

FSA No. 31381: *Malt liquors and containers to and from the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on malt liquors, carloads, and empty returned carriers (beverage packages) carloads from Burlington, Wis., Joliet and Thornton, Ill., to specified points in southern territory, and in the reverse direction on the containers.

Grounds for relief: Market competition, modified short-line distance formula, and circuitry.

Tariff: Agent Raasch's I. C. C. No. 850.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

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